

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, COIMBATORE

Present : Thiru.K.Sivakumar.,M.L.,
Chief Judicial Magistrate,
Coimbatore.

Dated this the 13th Day of July, 2026 –Monday

Cr.M.P. No.6278 of 2026

Indian Bank

Representation by its Authorized Officer/Chief Manager,

Mrs. Hemalatha.G,

Saravanampatty Branch,

5/158 Sathy Main Road,

Coimbatore – 641 035.

.... Petitioner

//Vs//

1. Mrs. L.Shona W/o. R.Lingaraj

2. Mr.R.Lingaraj S/o. Raman

Both are residing at:

No.58, Annamalai Garden,

Manickampalayam,

Kovilpalayam,

Coimbatore Dist- 641 107.

.... Respondents

This Petition came up before me for hearing on 13.07.2026 in the presence of **Mr. K.Arun** Advocate for the Petitioner. Upon hearing the Petitioner Counsel and perusing the Case Records, this Court delivered the following:

ORDER

This Miscellaneous Petition is being filed under Section 14 (1) & (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 praying this Court to pass an Order enabling the Petitioner to take Possession of the Secured Assets more fully described in the Petition.

1. Heard and Perused the Petition and the materials submitted on behalf of the Petitioner Bank. This Petition had been filed by the Authorized Officer of the

Petitioner Bank against these Respondents under Section 14 (1) & (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 praying this Court for passing necessary Orders for taking physical possession of the Properties mentioned in the Schedule of this Petition and documents had been produced in order to substantiate his contention.

2. The Petitioner Bank is having a valid and subsisting Security Interest over the Petition mentioned Properties vide Agreement relating to Deposit of Title Deed and the Claim of the Petitioner Bank is also within the period of limitation.

3. The Authorized Officer produced the documents including the Copy of Resolution passed by the Petitioner company, Copy of Loan Agreement, Copy of Memorandum of Deposit of Title Deed, Copy of Demand notice, Copy of Possession notice, Copy of Paper Publication, Copy of Postal Receipts, Copy of Notice to the respondents, Copy of Symbolic Possession are submitted for verification. The documents are relevant to this case.

4. From the materials available on record, it is made very clear that the Petitioner Bank had complied with the Provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 with respect to this Petition mentioned Loan and thereby the Petitioner Bank is entitled to take possession of the Petition mentioned Properties.

The Hon'ble Supreme Court also mandates the following guidelines

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.175 OF 2022

Dated : 27.07.2022

M/s R.D.Jain and co

....Appellants

/vs/

Capital first Ltd & Ors

....Respondents

On observed and held by this Court in the case of NKGSB Cooperative Bank Ltd. (Supra), the step taken by the CMM/DM while taking possession of the secured assets and documents relating thereto is a ministerial step. It could him/her, including the advocate commissioner who is considered as an officer of his/her court. Section 14 dose not oblige the CMM/DM to go personally and take possession of the secured assets and documents relating thereto. Thus, we reiterate that the step to be taken by the DMM/DM under section 14 of the SARFAESI Act, is a ministerial step. While disposing of the application under section 14 of the SARFAESI Act, no element of quasi-judicial function or application of mind would require. The Magistrate has to adjudicate and decide the correctness of the information given in the application and nothing more. Therefore, Section 14 does not involve an adjudicatory process qua points raised by the borrower against the secured creditor taking possession of secured assets.

As observed by Hon'ble Apex Court, in this matter also the petitioner bank complied all the procedure as contemplated under the act. Furthermore all the materials available on records, would show that the petitioner is deserving to get a relief as prayed for in this petition.

In the result, this application is allowed. Advocate **Ms.J.Dhanaranjani, MS No. 4290/2023, Phone No. 6382015373** appointed as Advocate/Commissioner. He/She is directed.

1. To inspect the petition mentioned property
2. Take inventories

3. Take Physical Possession and immediately hand over to the petitioner/secured creditor and
4. If necessary take assistance of concerned Revenue Officials and the Police in executing the warrant.
5. To break open the door if locked.

A sum of Rs.25,000/-is fixed as remuneration for the said Advocate Commissioner and the amount to pay him/her directly on or before 12.08.2026 otherwise this petition is dismissed automatically. Call on 13.08.2026.

This Order is dictated by me to the typist, typed by her directly in the computer, corrected and pronounced by me in Open Court on this 13th Day of July 2026.

(Sd/- K.Sivakumar)
Chief Judicial Magistrate,
Coimbatore.