.IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, CHENGALPATTU.
Present: Tr. N.SULTAN ARIBEEN, B.Sc., M.A., LL.M., Dip.in JJ & JP
Chief Judicial Magistrate, Chengalpattu.

Wednesday, the 01st day of July 2026

Crl.M.P.No.1210/2026
(CNR.No.TNCG06-001085-2026)

M/s. LIC HOUSING FINANCE LTD,
Represented by the Authorized Officer Mr.V.P.Balaji,
Bank Office, Block No C, Harrington Chambers,
No.30/1a, Abdul Razak,
1st Street, Chennai 600 015. ... Petitioner

-Vs-

Mr.K.Suresh, 59 years,
S/o.Mr.G.Karthikeyan,
No.C 18/26 Sri Vinayaga Nillam,
Jai Nagar 2nd Street,
Arumbakkam, Chennai 600 106. ... Respondent

Learned Counsel for the Petitioner : M/s. MASTEC LAW ASSOCIATES, Mr.S.Kumaraswamy, Mr.G.Rakesh, Mr.R.Ganesan.

O R D E R

This petition has been filed by the petitioner u/S. 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (hereinafter called as the Act) praying this Court to pass an order, enabling the petitioner to take possession of the secured assets, more fully described in the schedule.

2. **The averments found in the petition are as follows**:-

The Petitioner submit that the Respondents approached the petitioner Bank for a **Housing Loan against property** by submitting Loan Application. Based on the documents furnished by the respondents, the petitioner Bank had sanctioned the said Loan for a sum of **Rs.66,00,000/- on 30.09.2016 Vide Loan Account No.510100004510** and the respondents mortgaged the their properties with the petitioner bank and has deposited the original title deeds with an intent to create security thereon Vide Memorandum of deposit of Title deeds Registered as Document **No.6669/2016 dated 05/10/2016, SRO Pammal.** The Petitioner further states that the property which was mortgaged the “Secured Asset” in the hands of the Petitioner to enforce the liability as against the Respondent.

The Petitioner states that the Respondents had committed willful default in payment of the outstanding dues. The equated monthly installments agreed to be repaid remained unpaid and the account of the Respondents was declared as a Non-Performing Asset on **10.08.2018** In spite of various demands and requests, the Respondents had not come forward to discharge the liability.

The Petitioner further submits that since the Respondents failed to discharge the liability, the Petitioner invoking their right as against the secured asset, decided to proceed against the property and the Respondents under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Accordingly, a demand notice under Section 13(2) of the said Act was issued to the Respondents on **13.04.2019** calling upon them to pay the total sum of **Rs.69,17,188.20.** The Demand Notice sent to both the Respondents have been served to them.

The Petitioner further states that even after the expiry of the statutory period of 60 days from the date of service of the demand notice, the Respondents have not come forward to repay the dues. In furtherance to the rights vested with the Petitioner under Section 13(4) of the said Act, the Petitioner through the Authorized Officer, initiated steps to take possession of the secured asset.

Hence, it is prayed to order for taking physical possession of the secured asset from the respondents by appointing an Advocate Commissioner and direction may be given to provide adequate protection to take physical possession. The petitioner further submits and declares that there is no stay or injunction in any other court or tribunal for taking physical possession of the secured assets under the provisions of the Act.

3. The authorized officer of the petitioner bank has filed proof affidavit along with the petition in support of the petition confirming the measures taken by the petitioner before filing this petition. The petitioner had produced the copies of documents viz., **Loan Application, Loan Sanction Letter, Demand Notice etc.,** along with the petition, to prove that the petitioner had taken all the measures as enumerated in Section 13 of the Act.

4. The authorized officer of the petitioner bank has categorically stated in the affidavit that there is no stay granted by any other Court preventing the petitioner from taking steps u/s.13 of the Act. As per the averments found in the petition as well as in the **Pammal Village,** which is well within the jurisdiction of this Court. This petition has been filed by the petitioner to take the physical possession of the secured asset enabling the petitioner to sell or transfer in accordance with law. The authorized officer of the petitioner bank has also filed an affidavit declaring the aggregate amount of financial assistance granted to the respondents with the period of fault committed by the respondents and all other aspects to fulfill the requirements made in Sections 13 and 14 of the Act. The contents found in the Proof Affidavit are sufficient to satisfy this Court to pass an order for taking physical possession of the secured asset.

5. The petitioner has followed the procedures laid down u/S.13 & 14 of the Act and as a banking company, the petitioner is entitled to get the assistance of this Court and also to get police protection in order to take possession of the schedule mentioned property and to bring the same for sale. However, the right of the petitioner can be exercised only through a Court Officer or the Advocate Commissioner appointed by the Court to avoid further complications.

6. Inview of the guidelines laid down by the Hon'ble High Court in 2026 MHC 1947 - Vijayanand Srinivasan Vs. Punjab National Bank, and considering the entire materials, this Court is of the opinion that u/s.14(1) of the Act, the petitioner is entitled to take possession of the schedule mentioned assets. The petitioner has also complied with the provisions under Section 13(4) and Rule 8 (1) & (2) of Security Interest (Enforcement) Rules 2002.

7. IN THE RESULT, this petition is allowed.

i) ***Mr.R.Boopalan, Enrl. No.2679/2018, Ph.No.8870263212*** is appointed as Advocate Commissioner to take possession of the schedule mentioned Property after taking inventory if necessary with the assistance of the Station House Officer, **Shankar Nagar Police Station** and to handover the same to the petitioner.

ii) A sum of Rs.80,000/- is ordered as remuneration to the Advocate Commissioner. The Petitioner is hereby directed to pay 50% of the remuneration directly to the advocate commissioner's account within a period of 10 days from the date of this order. On filing the proof for payment along with 'No Stay/No appeal' pending in any other Court in respect of the schedule mentioned properties, affidavit by the petitioner, warrant will be issued. The remaining remuneration of Rs.40,000/- should be directly paid by the petitioner to the Advocate Commissioner's account at the time of execution of warrant and the proof for payment to be filed before this court.

iii) The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates. He shall execute the warrant within 60 days from the date of receipt of warrant and submit his report to this Court. The Commissioner is permitted to break open the lock if necessary in order to execute the warrant.

SCHEDULE OF THE PROPERTY

LOAN A/C NO:510100004510

All that piece and parcel of Flat No. F1 & F2 in first floor, with 912 Sq.Ft built up area for flat No F1 and 739 Sq.Ft for F2 with UDS 401 Sq.Ft for F1 and 349 Sq.Ft for F2 Total Measuring 779 Sq.Ft out of Total extent of 2425 Sq.Ft in Plot No.33, survey Nos.177/4, 177/5 & 177/6 Patta No 2940 As per patta sub division new survey No.177/16, in the layout named Bharathiyar Street, Prasanth Nagar, Approved L.P.D.M / DDTP No.148/1975 situated at No.100, Pamal Village, Alandur Taluk, Kancheepuram District Bounded on the North by : Plot No.30, South by : 20 Feet Road, (Bharathiyar Street) East by : Plot No.34, West by : Plot No.32, Situated within the Registration District of South Chennai and Registration Sub District of Pammal.

(POLICE LIMIT – SHANKAR NAGAR POLICE STATION)

This order has been dictated by me to the Steno-typist, typed by her directly in computer, corrected and pronounced by me in the Open Court on this Wednesday, the 01st day of July 2026.

N.SULTAN ARIBEEN

Chief Judicial Magistrate, Chengalpattu
Digitally signed by N.SULTAN ARIBEEN
Location: Chengalpattu
Date: 2026.07.01 16:15:42 +0530

CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU.