In the court of the Chief Judicial Magistrate, Madurai.
Present: Thiru.K.Selvapandi, B.A., B.L.,
Chief Judicial Magistrate, Madurai.
Dated 11th day of May 2026
Cr.M.P.No.2815/2026
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CanaraBank, Rep. by its Authorized Officer
C.Siva Chief Manager ARM Branch,
1st Floor Circle Office Madurai, St, Mary's Campus,
East Veli Street, Madurai-625001. ...Petitioner.

-Vs-

1. M/s. Surya Traders, Rep. by Its Proprietor N. Jayanthi
2. N.Jayanthi (Age 42) W/o.Nagaraj.
3. Nagaraj(Age 45) S/o.Nagalyan.

All respondents are residing at:-
No.1/43R Rajapalayam Main Road
T Pudupatti, Thirumangalam, Madurai. …Respondents.

Advocate for the Petitioner: Thiru.MSundaraj (876046001)

1. The Petitioner, CanaraBank, through its Authorized Officer filed this application U/s.14 of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), Seeking assistance of this court to take possession of Secured Asset.

2. SCHEDULE OF PROPERTY:

Item No.1	Sy. Nos.	Extent of area	Location	Boundaries
1.	S.No 26/2 A	33-1/4 Cents	Madurai District, Madurai SouthRegistration District, Thirumangalam Sub Registration District T.Pudhupatti Village.	N: Punja Land belongs to Angammal and others. E: Punja Land belongs to Raja gopal and Gunavathi. S: Punja Land belongs to Panja Varnam and others. W: Punja Land belongs to Nagaraj.
2.	S.No 31/6	6 cents	Madurai District, Madurai SouthRegistration District, Thirumangalam Sub	S.No.31/6 side South

			Registration District T.Pudhupatti Village.	N: S.No.31/6 northern side 3 cents of land purchased by Tmt.Dhanalakshmi from Mr.Seenivasa Naidu and Mr.Ramasamy Naidu. E: Nanja Land belongs to Kamatchi Naidu. S: S.No.31/6 measuring 5 cents of land purchased by Mr.Ramkumar from Mr.Seenivasa Naidu and Mr.Ramasamy Naidu. W: North West common cart track pathway (now 25ft. Road.
3.	S.No 25/11B	13 cents	Madurai District, Madurai SouthRegistration District, Thirumangalam Sub Registration District T.Pudhupatti Village.	N: Thirupathi's partition property E: Property belongs to Athilakshmi comprised S.No.25/11C S: Property belongs to Prabhakaran W: 10ft wide south north common pathway and odai

3. The petitioner is CanaraBank, Madurai Branch, Deponent is the Authorised Officer. He filed an affidavit that the respondents availed loan of Rs.74,63,000/- from petitioner's CanaraBank, Madurai Branch, by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed dated 18.04.2022. The loan became non performing asset on 28.02.2025. Therefore, the respondents were served with demand Notice. U/s.13(2) SARFAESI Act to repay the Amount within 60 days, failing which the petitioner bank shall be entitled to take all or any of the measures mentioned U/s.13(4) of the Sarfaesi Act. The respondents, however, failed to repay Rs.68,98,652/- as on 31.01.2026. The schedule property does not suffer from and Encumbrance.

4. **In Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019)** Hon'ble High Court of Madras held thus: ***"In the considered opinion of this Court, Section 14 of the SARFAESI Act did not contemplate any notice of hearing/objection from the Borrowers and as such there may not be any necessity of affording opportunity of personal hearing to the Borrowers/Petitioners and that apart though it is the claim of the petitioner that the***

appeal is pending against recovery proceedings, there is no interim order in operation and in the absence of the same, it is always open to the 2nd respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1st respondent" (Para No.6).This is reaffirmed by our Hon'ble Madurai Bench of Madras High Court in Division Bench decision dated 22.12.2021 in M/s.Shanmuganathan Cold Storage Pvt Ltd., -vs- 1. Authorized Officer, Karnataka Bank Ld and anr.

5. The CMM or DM Magistrates perform only the ministerial functions under section 14 of SARFAESI Act . Further Sec.14(3) of SARFAESI ACT Says as below:

"No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority"

Section 14 is procedural in nature and merely empowers the CMM or DM to assist the secured creditor in taking possession of the secured assets and it does not cloth them with the power to adjudicate in respect of any dispute pertaining to secured assets. Further Hon'ble Apex Court has observed that there is no adjudication of any kind at this stage and CMM/DM acting U/s.14 of the npa act is not required to give notice either to the borrower or to the third party, through citing various judgments in it's decision in **Standard Chartered Bank -vs- Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97** Therefore, service of any notice to the borrower is not contemplated in Section 14 of the Act. In this context, this court is of a view that Advocate Commissioner can be appointed for taking possession without sending any notices to the respondents.

6. In fine, the petition is allowed and **Advocate G.Sundarlingam (Roll No.MS.No.6682/2023 Mobile No.9626260326)** is hereby appointed as Commissioner. He is directed to assist the petitioner for taking possession of the secured as set and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate Commissioner can get Station House Officer of Nagaiahpuram Police Station for Police assistance/protection for taking possession and Break open (if warranted), without approaching this court separately for such purpose. The Commissioner's remuneration is fixed at Rs.20,000/-. The remuneration has to be paid directly by the petitioner.

Dictated directly to the Steno-typist and typed by her in computer and after rectification taken printout and pronounced by me in Open Court on this 11th day of May 2026.

SELVAPANDI
Digitally signed by SELVAPANDI
Date: 2026.05.11 12:31:54 +0530

Chief Judicial Magistrate,
Madurai.