

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

Present: Tmt.V. Deepa, M.L.,
Chief Judicial Magistrate, Dindigul.



Dated 19th day of February 2026.

Cr.M.P.No. 3690/2026.
CNR.No. TNDG030060352025.

Encore Asset Reconstruction Company Pvt Ltd.,
Rep. by its Authorized Officer
Mr.K. Logesh Kumar,
Corporate Officer at
5th Floor, Polt No.137, Sector-44,
Gurugram - 122 002.
Haryana State.

...Petitioner

//VS//

1. S. Balamurugan,
S/o.M. Selvaraj,
No. 147, Aruppampatti,
Manthaikudumbanpatti,
Nallamanarkotti,
Dindigul – 624 005.

2. B. Ananthavalli,
W/o.S. Balamurugan,
No. 147, Aruppampatti,
Manthaikudumbanpatti,
Nallamanarkotti,
Dindigul – 624 005.

3. S. Kanaka,
W/o.M. Selvaraj,
No. 147, Aruppampatti,
Manthaikudumbanpatti,
Nallamanarkotti,
Dindigul – 624 005.

...Respondents

ORDER

1. Heard, the Petitioner filed this application U/s. 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act) 2002 seeking assistance of this court to take possession of Secured Asset. The Petitioner filed an affidavit that the respondents availed a Loan for a sum of Rs.8,10,293/- from petitioner's Bank on 26.10.2016 by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 07.11.2016. The loan became non performing assets on 12.05.2018. Therefore, the respondents were served with Demand Notice Dated: 17.12.2024, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 18.07.2025 the total claim amount is Rs.12,87,586.78/- (Ex. P13). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P14 marked.

2. SCHEDULE OF PROPERTIES

Dindigul District, Palani Registration District, Vendasandur Sub-Registration District, Vendasandur Taluk, Nallamannar Kottai Village, S.No. 362/4 to an extent of 32 cents Western portion of 1386 square feet within the following boundaries;

North	:	Property of Selvaraj
East	:	Property of Selvaraj
South	:	Property of Selvaraj
West	:	Road

Admeasuring on the North 33 feet, South 33 feet and on the East 42 feet and West 42 feet, totaling 1386 square feet, constructed house with all doors, windows and all appurtenances.

3. As per the under section 14 (3) of SARFAESI Act, the CMM or DM Magistrates perform only the ministerial functions. For reference the same is extracted 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”.

4. In this Juncture the following rulings taken into consideration and followed.

(i) Techno Builders and Ors //VS// Canara Bank and ors (MANU/TN/9525/2019) Hon’ble High Court of Madras.

(ii) Standard Chartered Bank – Vs – Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97.

Therefore, services of any notice to the borrower is not contemplated in Section 14 of the Act. On hearing of petitioner side and careful perusal of the petition, affidavit and documents this court is of a view to appoint an Advocate Commissioner for taking possession of the petition mentioned property, without sending any notices to the respondents.

5. In fine, the petition is allowed and Advocate Ms.M. Deepa, Enrollment No. MS 2625/2024 is hereby appointed as Advocate Commissioner. For taking possession by break open the buildings of the secured asset as mentioned in the schedule of property and to hand over the same to the secured creditor / petitioner with the Assistant of the concerned Revenue Authorities and Inspector of Police, if necessary. The Commissioner’s remuneration is fixed at Rs.25,000/- The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. Report by 18.03.2026.

Dictated by me, 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 19th day of February 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr.K. Logesh Kumar.

2) No.of Exhibits marked on the side of the Petitioner:-

Sl.No.	Date	Description of Document	Remark
1.	--	Certificate of Registration	Attested true copy
2.	23.03.2024	Board Resolution	Attested true copy
3.	20.10.2016	Loan application from	Attested true copy
4.	26.10.2016	Loan agreement	Attested true copy
5.	07.11.2016	Memorandum of deposit of title deeds executed by the 3 rd respondent Doc.No.2845/2016	Attested true copy
6.	09.01.2012	Gift settlement deed Doc.No.115/2012	Attested true copy
7.	--	Encumbrance certificates	Attested true copy
8.	29.09.2023	Assignment agreement between Manappuram home finance Ltd., and Encore Asset Reconstruction Company Pvt Ltd.,	Attested true copy
9.	20.10.2023	Intimation Letter With regard to the assignment of financial assets	Attested true copy
10.	17.12.2024	Demand notice issued by the petitioner bank, postal receipt @ track consignment receipt	Attested true copy
11.	28.03.2025	Possession notice issued by the petitioner bank postal receipt @ track consignment receipt and affixed photos	Attested true copy
12.	01.04.2025	Possession notice paper publication in tamil @ English daily	Attested true copy
13.	18.07.2025	Statement of accounts for home loan facility [A/c.No. SMADU0002388	Attested true copy
14.	25.10.2016	Sanction letter	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 3690/2026

Date: 19.02.2026.

Order pronounced in open Court.

In the result, Advocate Ms.M. Deepa, Enrollment No. MS 2625/2024 is hereby appointed as Advocate Commissioner. For taking possession by break open the buildings of the secured asset as mentioned in the schedule of property and to hand over the same to the secured creditor / petitioner with the Assistant of the concerned Revenue Authorities and Inspector of Police, if necessary. The Commissioner's remuneration is fixed at Rs.25,000/- The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. Report by 18.03.2026.

Chief Judicial Magistrate,
Dindigul.

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

Present: Tmt.V. Deepa, M.L.,
Chief Judicial Magistrate, Dindigul.



Dated 19th day of February 2026.

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...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 3690/2026 that a Commission should be issued. Hence Advocate Ms.M. Deepa, Enrollment No. MS 2625/2024 is hereby appointed as Advocate Commissioner. For taking possession by break open the buildings of the secured asset as mentioned in the schedule of property and to hand over the same to the secured creditor / petitioner with the Assistant of the concerned Revenue Authorities and Inspector of Police, if necessary. The Commissioner's remuneration is fixed at Rs.25,000/- The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. Propose to compel the attendance before you of any witnesses for the production of any documents, whom of which you may desire to examine or inspect will be issued by any Court having jurisdiction or your application.

A sum of Rs.25,000/- fixed for Advocate / Commissioner's fee, has been paid directly by the petitioner/Secured creditor. The Commissioner is hereby directed to receive the commission fee and file his report on or before 18.03.2026.

Given under my hand and the seal of this Court on the 19th day of January 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

Dindigul District, Palani Registration District, Vedasandur Sub-Registration District, Vedasandur Taluk, Nallamannar Kottai Village, S.No. 362/4 to an extent of 32 cents Western portion of 1386 square feet within the following boundaries;

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Chief Judicial Magistrate,
Dindigul.

To

1. Ms.M. Deepa, Advocate/Commissioner,
Enrollment No. MS 2625/2024, Dindigul.
2. The File.