

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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



Dated 02nd day of March 2026.

Cr.M.P.No. 348/2026.
CNR.No. TNDG030007512026.

Equitas Small Finance Bank Limited,
Represented by its Authorized Officer Mr.Mallayaraj,
Equitas Small Finance Bank Limited, Megam towers,
Bye Pass Road, Pallapatti Panchayat,Dindigul – 624 002.

...Petitioner

//VS//

1. Mr. Sakthivel Ramasamy (30),
S/o. Ramasamy ,
D.No.4/183, Poothampatti, Sriramapuram,
Vedasandur, Dindigul - 624 702.

2. Mrs. Nagammal Ramasamy (56),
W/o.Ramasamy,
D.No.4/183, Poothampatti, Sriramapuram,
Vedasandur, Dindigul - 624 702.

3. Mr.Ramasamy Andavan (61),
S/o. Andavan,
D.No.4/183, Poothampatti, Sriramapuram,
Vedasandur, Dindigul - 624 702.

...Respondents

ORDER

1. Heard, the Petitioner filed this application U/s. 14 of Securitization and Reconstruction of Financial Assests 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.4,50,000/- from petitioner's Bank on 16.02.2024 by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 19.02.2024. The loan became non performing assets on 09.07.2025. Therefore, the respondents were served with Demand Notice Dated:

21.07.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 12.01.2026 the total claim amount is Rs.5,10,424/- (Ex. P11). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P11 marked.

2. SCHEDULE OF PROPERTIES

All the Part and parcel of house site along with building comprised in Old S.No.164/10 Part New S No.164/10L in which to the extend of 1195 Sq ft., Situated at D No.4, A.D Colony, Puthampatti, Sriramapuram Village, Veda sandhur Taluk, Dindigul District, within the limit of Veda sandhur Sub Registration District, Palani Registration District.

North by : House belongs to Duraisamy,
South by : Street,
East by : House belongs to Govindaraj,
West by : House belongs to Chinnapan,

Linear Measurement: - Extent(sq.ft): 1195

Situated at within the Sub-Registration District of Veda sandhur and Registration District of Palani.

Total Extent(sq.ft): 1195.0 111 Sq.Mt.

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 Mr.A. Rahul, Enrollment No. MS 8354/2022 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 02.04.2026.

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 02nd day of March 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr. Mallayaraj.

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

Sl.No.	Date	Description of Document	Remark
1.	23.03.2022	POA cum Authority letter in the name of Authorized Officer	Attested true copy
2.	09.02.2024	Loan Application	Attested true copy
3.	16.02.2024	Loan Sanction Letter	Attested true copy
4.	16.02.2024	Loan Agreement executed by respondents.	Attested true copy
5.	19.02.2024	Memorandum of confirming deposit of Title Deeds Doc No: 631/2024	Attested true copy

6.	08.01.2024	Settlement Deed . Doc.No.5 2/2024	Attested true copy
7.	12.01.2026	Encumbrance Certificate	Attested true copy
8.	21.07.2025	Demand notice sent to the respondents U/s. 13 (2) of the SARFAESI Act in both Agreements and Track consignment	Attested true copy
9.	15.10.2025	Possession Notice under section 13(4) of the SARFAESI Act and Track consignment	Attested true copy
10.	19.10.2025	Possession- Paper Publication Tamil & English	Attested true copy
11.	12.01.2026	Extract of Statement of Accounts	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 348/2026

Date: 02.03.2026.

Order pronounced in open Court.

In the result, Advocate Mr.A. Rahul, Enrollment No. MS 8354/2022 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 02.04.2026.

Chief Judicial Magistrate,
Dindigul.

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



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Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 348/2026 that a Commission should be issued. Hence Advocate Mr.A. Rahul, Enrollment No. MS 8354/2022 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 02.04.2026.

Given under my hand and the seal of this Court on the 02nd day of March 2026.

Chief Judicial Magistrate,
Dindigul.

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Dindigul.

To

1. Mr.A. Rahul, Advocate/Commissioner,
Enrollment No. MS 8354/2022, Dindigul.
2. The File.