

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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



Dated 18th day of April 2026.

Cr.M.P.No. 811/2026
CNR.No. TNDG030016362026.

HINDUJA HOUSING FINANCE LIMITED

represented through its
Authorised Officernd floor,
No. 2/3 GV Hights 2nd floor,
Theni main road,
Opposite to TVS industries,
Madurai - 625 016.

...Petitioner

//VS//

1. Mr. Tamilarasu Mayan
2. Mrs. Nathiya Tamilarasu

Both are residing at :

No. 154 Therku Anna Nagar,
Pattali Street,
Palani – 624 601.

...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.10,00,000/- from petitioner's Bank on 28.06.2024 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 16.09.2024. The loan became non performing assets on 04.08.2025. Therefore, the respondents were served with Demand Notice Dated: 20.08.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 31.12.2025 the total claim amount is Rs.10,54,027/- (Ex. P15). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P15 marked.

2. SCHEDULE OF PROPERTIES

In Dindigul District, Palani Registration District, Palani Joint No. 1 Sub Registration District, Palani Taluk Sivagiripatti Village, Idumpan Kovil Itteri Pathway Old S.No. 69/4 As per correlation certificate Municipal Town Survey Ward 3 Block 35, T.S.No. 9/9D measuring 1314 Sq. Feet bounded an

North : Land belongs to C.P.K. Perumal Gounder and others,
East : Land belongs to T.V. Ananthakrishnan,
South : 20 feet wide Road,
West : Land measuring 646 Sq.ft sold out to Thennarasu, Land belongs to Devaki Ammal.

Within the above mentioned four boundaries East West 27 feet on the northern side 27 feet on the southern side North South 48 feet on the eastern side 49.4 feet on the western side total 1314 sq.ft within which already constructed R.C.C terraced roof and ACC residential building House Tax Assessment No. 080/031/00978 bearing Door No.122, with Electricity service Connection No.1782,1968.1891.

Now New Town survey ward 3 Block 35 T.S.No. 9/54.

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.M. Venkatesan, Enrollment No. MS 5666/2023 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 18.05.2026.

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 18th day of April 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr.S. Prabakaran.

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

Sl.No.	Date	Description of Document	Remark
1.	22.01.2018	The Gazette Notification	Attested true copy
2.	30.09.2015	Certificate of Registration	Attested true copy
3.	28.11.2023	Authorization letter	Attested true copy
4.	11.06.2024	Loan application	Attested true copy
5.	28.06.2024	Sanction Letter issued by the petitioner finance company jointly accepted by the respondents.	Attested true copy

6.	28.06.2024	Facility agreement along with loan security documents jointly executed by the respondents infavour of petitioner finance company.	Attested true copy
7.	12.02.2016	Registered Sale deed executed by Mrs. Komalam Devi infavour of Mr.Tamilarasu Mayan (Doc No.375/2016)	Attested true copy
8.	16.09.2024	Memorandum of Deposit of Title Deeds executed by Mr.Tamilarasu Mayan (i.e.,R-1) in the name of petitioner finance company (Doc.No. 2119/2024)	Attested true copy
9.	20.08.2025	Demand Notice U/s 13(2) issued by petitioner finance along with postal receipt.	Attested true copy
10.	25.08.2025	Demand Notice Tracking consignment	Attested true copy
11.	16.12.2025	Possession Notice u/s 13(4) issued by the petitioner finance.	Attested true copy
12.	16.12.2025	Photo Affixture of possession Notice	Attested true copy
13.	17.12.2025	Publication of possession published in “The Times of India” and “The Hindu Tamil Thesai”.	Attested true copy
14.	22.12.2025	Booking receipt with Tracking consignment.	Attested true copy
15.	31.12.2025	Statement of Accounts.	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 811/2026.

Date: 18.04.2026.

Order pronounced in open Court.

In the result, Advocate Mr.M. Venkatesan, Enrollment No. MS 5666/2023 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 18.05.2026.

Chief Judicial Magistrate,
Dindigul.

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Chief Judicial Magistrate, Dindigul.



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...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 811/2026 that a Commission should be issued. Hence Advocate Mr.M. Venkatesan, Enrollment No. MS 5666/2023 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 18.05.2026.

Given under my hand and the seal of this Court on the 18th day of April 2026.

Chief Judicial Magistrate,
Dindigul.

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Now New Town survey ward 3 Block 35 T.S.No. 9/54.

Chief Judicial Magistrate,
Dindigul.

To

1. Mr.M. Venkatesan, Advocate/Commissioner,
Enrollment No. MS 5666/2023, Dindigul.
2. The File.