

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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



Dated 22nd day of April 2026.

Cr.M.P.No. 845/2026
CNR.No. TNDG030021112026.

Equitas Small Finance Bank Limited,
Represented by its Authorized Officer Mr.A. Surendar,
Equitas Small Finance Bank Limited, No-237,
Natham main road, Ponnagaram, Reddyapatti post,
Adiyanuthu, Dindigul - 624 003.

...Petitioner

//VS//

1. Mr. Chinnan (Age - 30/2025, S/o. Dhannasamy,
D.No. 309, East Street, Mallaiyapuram,
Authur, Paraipatti, Dindigul - 624 707.

2. Mrs. Janci (Age - 33/2025), W/o. Chinnan,
D.No. 309, East Street, Mallaiyapuram,
Authur, Paraipatti, Dindigul - 624 707.

...Respondents

ORDER

1. Heard, the Petitioner filed this application U/s. 14 of Secularization 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.4,50,000/- from petitioner's Bank on 18.04.2024 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 29.04.2024. The loan became non performing assets on 30.04.2025. Therefore, the respondents were served with Demand Notice Dated: 14.06.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 11.03.2026 the total claim amount is Rs.5,93,376/- (Ex. P10). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P10 marked.

2. SCHEDULE OF PROPERTIES

All the Piece and parcel of land and building comprised in S.No:411/8, and S.NO.411/10A, with an extent of 21.75 Cent situated at Parraipatti village, Aathoor Taluk and Dindigul District, within the limit of Aathoor Sub Registration District, Dindigul Registration District.

North by : S.No : 413/1, and S.NO.413/2 Land,
South by : S.No : 411/8, and S.NO.411/10A Chinnan Land,
East by : John Peter and Dhanraj Land,
West by : S.No : 411/2 Land linear.

Measurement : Extent (Sq. ft) 21.75.

Situated at within the Aathoor Sub-Registration District of and Registration District of Dindigul.

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. Balasubramani, Enrollment No. MS 433/2022 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 22.05.2026.

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 22nd day of April 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr.A. Surendar.

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

Sl.No.	Date	Description of Document	Remark
1.	16.10.2023	General power of attorney in the name of Authorized Officer	Attested true copy
2.	20.04.2023	Loan application	Attested true copy
3.	18.04.2024	Loan Sanction Letter	Attested true copy
4.	08.07.2021	sale deed in the name of 1 st respondent [Doc.No. 951/2021]	Attested true copy
5.	29.04.2024	Memorandum of confirming deposit of Title Deeds [Doc.No - 732/2024]	Attested true copy
6.	11.03.2026	Encumbrance Certificate	Attested true copy
7.	14.06.2025	Demand notice sent to the respondents U/s.13 (2) of the SARFAESI Act with Postal receipts and Track consignment	Attested true copy

8.	03.09.2025	Possession Notice under section 13(4) of the SARFAESI Act with postal receipts and Track consignment	Attested true copy
9.	10.09.2025	Possession- Paper Publication Tamil and English	Attested true copy
10.	11.03.2026	Extract of Statement of Accounts	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 845/2026

Date: 22.04.2026.

Order pronounced in open Court.

In the result, Advocate Mr.M. Balasubramani, Enrollment No. MS 433/2022 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 22.05.2026.

Chief Judicial Magistrate,
Dindigul.

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Present: Tmt.V. Deepa, M.L.,
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...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 845/2026 that a Commission should be issued. Hence Advocate Mr.M. Balasubramani, Enrollment No. MS 433/2022 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 22.05.2026.

Given under my hand and the seal of this Court on the 22nd day of April 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

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Chief Judicial Magistrate,
Dindigul.

To

1. Mr.M. Balasubramani, Advocate/Commissioner,
Enrollment No. MS 433/2022, Dindigul.
2. The File.