

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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

Dated 26th day of February 2026.

Cr.M.P.No. 231/2026.
CNR.No. TNDG030006352026.



Canara Bank,
Regional Office,
1st Floor Circle Office,
Madurai, St Marys Campus,
East Veli Street, Madurai – 625 001.
Chief Manager,
Represented Through its Authorized Officer,
Mr.C. Siva (Age 48).

...Petitioner

//VS//

1. M/s. SRI AMIRTHAVARSHINI.COM,
REPRESENTED BY PROPRIETOR,
Mr. Ganapathi Raja K, (Borrower) (Age 42)
71, Amman Sannathi Street,
Madurai – 625 001.
2. M/s. SRI AMIRTHAVARSHINI SUPER MART,
REPRESENTED BY PARTNERS (Borrowers),
Mr. Ganapathi Raja K (Age 42), and Mrs Dhanalakshmi G (Age 39),
Door-35/9A 5th Cross Street,
Near Chandrabhai Hospital,
SS Colony, Madurai North,
Madurai - 625 016.
3. Mr. Ganapathi Raja K (Borrower) (Age 42),
S/o. Kamaraj K,
5-1-4, Thanichiyam Main Road,
5th Ward Vadipatti Taluka,
Alanganallur,
Madurai - 625 501.

4. Mrs. Dhanalakshmi G (Borrower) (Age 39),
W/o. Mr. Ganapathi Raja K,
5-1-4, Thanichiyam Main Road,
5th Ward Vadipatti Taluk,
Alanganallur,
Madurai – 625 501.

...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.3,68,00,000/- from petitioner's Bank on 18.07.2023 and 10.05.2024 by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 11.03.2022, 11.07.2023, 09.05.2024. The loan became non performing assets on 18.06.2025 and 19.06.2025. Therefore, the respondents were served with Demand Notice Dated: 21.06.2025, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 01.11.2025 the total claim amount is Rs.3,71,69,019.52/- (Ex. P22). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P22 marked.

2. SCHEDULE OF PROPERTIES

All the piece and parcel of land and buildings existing and constructed thereon shown under schedule II below together with easementary and appurtenant thereto Dindigul District, Dindigul Registration District, Joint Sub Registry No. II, Dindigul town, old Ward No.4, New Ward No. 21, Kannara Street, Dindigul Corporation, T.S.No. 85 Door Nos.14/16A and 14/16B measuring 684 Sq.ft.

North	:	Kannara Street
South	:	Chandrasekar's Rope Shop
East	:	Door No. 14/16 house belongs to Jayaprakash
West	:	K.T.O.T. Chidambaram's Shop.

Measuring::

East West on Northern side 18 feet

East West on Southern side 18 feet

North South on Eastern side 38 feet

North South on Western side 38 feet

Totaling 684 Sq. ft.

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.L. Nagalakshmi, Enrollment No. MS 2352/2012 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 26.03.2026.

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 26th day of February 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr.C. Siva.

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

Sl.No.	Date	Description of Document	Remark
1.	03.07.2025	Authorized letter	Attested true copy
2.		Application from for Loans to Micro, Small & Medium Enterprises (MSMEs) M/s. Shri Amirthavarshini.com	Attested true copy
3.	18.07.2023	Sanction Memorandum M/s. Shri Amirthavarshini.com	Attested true copy
4.	18.07.2023	Supplemental Common Hypothecation Agreement M/s. Shri Amirthavarshini.com	Attested true copy
5.	10.05.2024	Sanction Memorandum M/s. Shri Amirthavarshini.com	Attested true copy
6.	10.05.2024	Sanction Memorandum M/s. Shri Amirthavarshini super mart.	Attested true copy
7.	10.05.2024	Common Hypothecation Agreement	Attested true copy
8.	10.05.2024	Guarantee Agreement (Respondent No. 3)	Attested true copy
9.	10.05.2024	Guarantee Agreement (Respondent No. 4)	Attested true copy
10.	11.03.2022	Memorandum of deposit of title deed under Document No. 1902/2022.	Attested true copy
11.	11.07.2023	Supplemental Memorandum of deposit of title deed under Document No. 5533/2023	Attested true copy
12.	26.09.2023	Deed of Rectification Doc. No. 7591/2023	Attested true copy
13.	09.05.2024	Supplemental Memorandum of deposit of title deed under Document No. 3493/2024	Attested true copy

14.	09.05.2024	Memorandum of deposit of title deed under Document No. 4487/2024	Attested true copy
15.	11.06.2020	Dhana Settlement Deed Document No. 2350/2020	Attested true copy
16.	21.06.2025	Demand Notice under section 13(2) of SARFAESI Act and with return postal covers	Attested true copy
17.	25.06.2025	Demand Paper Publications	Attested true copy
18.	04.11.2025	Possession Notice under section 13(4) of SARFAESI Act and with Acknowledgment cards, return postal covers	Attested true copy
19.	09.11.2025	Possession Paper Publications	Attested true copy
20.	04.11.2025	Symbolic Possession Photo	Attested true copy
21.	05.01.2026	Encumbrance Certificate	Attested true copy
22.	03.01.2026	Account Statement	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 231/2026

Date: 26.02.2026.

Order pronounced in open Court.

In the result, Advocate Ms.L. Nagalakshmi, Enrollment No. MS 2352/2012 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 26.03.2026.

Chief Judicial Magistrate,
Dindigul.

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

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5-1-4, Thanichiyam Main Road,
5th Ward Vadipatti Taluk,
Alanganallur,
Madurai – 625 501.

...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this Crl.M.P.No. 231/2026 that a Commission should be issued. Hence Advocate Ms.L. Nagalakshmi, Enrollment No. MS 2352/2012 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 26.03.2026.

Given under my hand and the seal of this Court on the 26th day of February 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

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Chief Judicial Magistrate,
Dindigul.

To

1. Ms.L. Nagalakshmi, Advocate/Commissioner,
Enrollment No. MS 2352/2012, Dindigul.
2. The File.