

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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

Dated 03rd day of January 2026.

Cr.M.P.No. 3687/2025
CNR.No. TNDG030060282025.



State Bank of India
Stressed Assets Recovery Branch,
No. 8, Dr. Ambedkar Road,
Vinayaga Nagar Branch 1st Floor,
Madurai – 625 020.
Represented by the Authorized Officer,
Mr. Abhinav Bothra.

...Petitioner

//VS//

1. M/s. Sai Lakshmi,
Prop. of I. Naveen Ilamparithi,
No. 4/1133, 1st Floor, Arignnar Anna Street,
Anbu Anna Nagar, Madurai 625 020.

2. I. Naveen Ilamparithi,
S/o. K.M. Ilamparithi,
No. 6-14, 16A/1, Subramanian Kovil Street,
Mayana Raod, Batalgundu,
Dindigul – 624 202.

3. I. Lakshmi,
W/o. K.M. Ilamparithi,
No. 6-14, 16A/1, Subramanian Kovil Street,
Mayana Raod, Batalgundu,
Dindigul – 624 202.

...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.4,00,000/-, Rs.2,10,000/-, Rs.4,19,000/-, Rs.57,00,000/- and Rs.5,00,000/- from petitioner's Bank on 30.10.2019, 09.06.2020, 20.11.2020, 02.04.2023 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 31.10.2019. The loan became non performing assets on 28.12.2023. Therefore, the respondents were served with Demand Notice Dated: 21.05.2024, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 14.05.2025 the total claim amount is Rs.1,24,46,206/- (Ex. P27 to 31). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P31 marked.

2. SCHEDULE OF PROPERTIES.

All that pieces and parcel of land at Dindigul Registration District, Batlagundu Sub Registration District, Nilakottai Taluk, Batlagundu Town & Post, Batlagundu Village, Subramaniya Koil Street, Maiyana Road (near BSNL Office), Old Natham Survey No. 419/2 part, 419/40 part, New Survey No. 419/39, 419/40A, Patta No. 3246, D.No. 6-14-16A/1 to the extent of (S.No. 419/39-661 ½ Sq.ft., & S.No. 419/40A-661 ½ Sq.ft) 1323 Sq.ft., and bounded on :-

Boundaries for S.No. 419/39,

South of	:	Land belongs to Durairaj
North of	:	Land belongs to Ayyavu Nadar
West of	:	Land belongs to Mr. Chinnakalai Nadar,
East of	:	Pathway.

Boundaries of S.No. 419/40A

South of	:	Land belongs to Mr. Chinnakalai Nadar,
North of	:	Road,
West of	:	Land belongs to Rengasamy Nadar,
East of	:	Land belongs to Vellaiappa Nadar.

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.A. Abi Nandhini, Enrollment No. MS 8876/2023 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 03.02.2026.

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 03rd day of January 2026.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW. 1 Mr. Abhinav Bothra.

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

Sl.No.	Date	Description of Document	Remark
1.	11.07.2025	Authorization Letter for Authorized officer	Attested true copy
2.	30.10.2019	Letter of Arrangement	Attested true copy
3.	30.10.2019	Guarantee Agreement	Attested true copy
4.	10.10.2019	Guarantee Agreement	Attested true copy
5.	09.06.2020	Letter of Arrangement	Attested true copy
6.	09.06.2020	Supplemental Agreement of Loan cum hypothecation.	Attested true copy
7.	09.06.2020	Guarantee Agreement	Attested true copy
8.	20.11.2020	Letter of arrangement	Attested true copy
9.	20.11.2020	Supplemental Agreement of Loan cum Hypothecation	Attested true copy
10.	20.11.2020	Guarantee Agreement	Attested true copy
11.	02.04.2023	Letter of arrangement	Attested true copy
11(a)	02.04.2023	Guarantee Agreement	Attested true copy
12.	10.02.2000	Registered Gift Settlement Deed executed by S.P. Rengasamy Nadar in favour of I.Lakshmi. W/o. K.M. Ilamparithi vide Doc.No. 266/2000	Attested true copy
13.	31.10.2019	Registered Memorandum of Deposit of title deeds vide Doc.No. 3469/2019	Attested true copy
14.	04.09.2020	Registered Memorandum Confirming the extension of the existing equitable mortgage vide Doc.No. 2291/2020	Attested true copy
15.	21.05.2024	Section 13(2) Demand Notice	Attested true copy
16.	22.05.2024	Returned Cover	Attested true copy
17.	30.05.2024	Returned Covers	Attested true copy
18.	25.06.2024	Affixing Section 13(2) Demand Notice in the Property by the Authorized officer	Attested true copy
19.	29.06.2024	Section 13(2) Demand Notice Paper Publication (English Edition)	Attested true copy
20.	29.06.2024	Section 13(2) Demand Notice Paper Publication (Tamil Edition)	Attested true copy
21.	25.10.2024	Section 13(4) Symbolic Possession Notice	Attested true copy

22.	26.10.2024	AD Card	Attested true copy
23.	26.10.2024	Returned Cover	Attested true copy
24.	25.10.2024	Affixing symbolic Possession notice in the property by the Authorized officer	Attested true copy
25.	27.10.2024	Section 13(4) Symbolic Possession Notice – Paper Publication (English Edition)	Attested true copy
26.	27.10.2024	Section 13(4) Symbolic Possession Notice – Paper Publication (Tamil Edition)	Attested true copy
27.	14.05.2025	Statement of Accounts (Loan A/c. No. 38891305846)	Attested true copy
28.	14.05.2025	Statement of Accounts (Loan A/c. No. 39984646490)	Attested true copy
29.	14.05.2025	Statement of Accounts (Loan A/c. No. 39385227764)	Attested true copy
30.	14.05.2025	Statement of Accounts (Loan A/c. No. 39820489793)	Attested true copy
31.	14.05.2025	Statement of Accounts (Loan A/c. No. 30372855278)	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 3687/2025

Date: 03.01.2026.

Order pronounced in open Court.

In the result, Advocate Ms.M.A. Abi Nandhini, Enrollment No. MS 8876/2023 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 03.02.2026.

Chief Judicial Magistrate,
Dindigul.

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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

Dated 03rd day of January 2026.

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...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 3687/2025 that a Commission should be issued. Hence Advocate Ms.M.A. Abi Nandhini, Enrollment No. MS 8876/2023 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 03.02.2026.

Given under my hand and the seal of this Court on the 03rd day of January 2026.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

All that pieces and parcel of land at Dindigul Registration District, Batlagundu Sub Registration District, Nilakottai Taluk, Batlagundu Town & Post, Batlagundu Village, Subramaniya Koil Street, Maiyana Road (near BSNL Office), Old Natham Survey No. 419/2 part, 419/40 part, New Survey No. 419/39, 419/40A, Patta No. 3246, D.No. 6-14-16A/1 to the extent of (S.No. 419/39-661 ½ Sq.ft., & S.No. 419/40A-661 ½ Sq.ft) 1323 Sq.ft., and bounded on :-

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Chief Judicial Magistrate,
Dindigul.

To

1. Ms.M.A. Abi Nandhini, Advocate/Commissioner,
Enrollment No. MS 8876/2023, Dindigul.
2. The File.