

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

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



Dated 29th day of October 2025.

Cr.M.P.No. 2831/2025
CNR.No. TNDG030070142025.

AXIS BANK LIMITED,
2nd Floor, Door No. 31, Old No. 14,
South Mada Street, Mylapore,
Chennai – 600 004.
Represented by its Authorised officer
Mr. Mathu K.

...Petitioner

//VS//

1. M/s.Trecistron Enterprises Private Limited,
Plot No. 615, 2nd Floor,
Sowrastra Nagar, 7th Street,
Choolaimedu, Chennai – 600 094.

Also at

Plot No. 212, First Floor,
Sankarapuram, 4th Street,
Choolaimedu, Chennai – 600 094

2. Mr. Johnbrucel Annamani Rajan,
S/o. Rajan,
64/35, S-2, Alpha Cheony Flat,
2nd Floor, Amirjaan Street,
Cholaimedu, Chennai – 600 094.

3. Mr. Balraj,
S/o. Rajan,
No.4/161 (1), Muthanapatti Pudur,
Kuttathpatti, Dindigul, TamiINadu – 624 002 .

4. Mr. Dhanabackiyam Rajan,
W/o. Rajan,
No. 4/161 (1), Muthanapatti Pudur,
Kuttathpatti, Dindigul, TamiINadu – 624 002 .

...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.40,00,000/- from petitioner's Bank on 26.09.2017 by creating an Equitable, Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed, Dated: 24.10.2019. The loan became non performing assets on 18.08.2022. Therefore, the respondents were served with Demand Notice Dated: 12.03.2024, U/s.13(2) of the Sarfaesi Act. The respondent, however, failed to repay. Hence as per account statement dated 29.06.2025 the total claim amount is Rs.49,53,804/- (Ex. P18). The schedule property does not suffer from and Encumbrance, for supporting of this Case Ex. P1 to Ex. P19 marked.

2. SCHEDULE OF PROPERTIES

All that piece and parcel of Property bearing Door No. 1/174, Kuttathupatti Village, Dindigul Taluk & District comprised in S.No.8/5A (Western Middle Portion Southern Side) Patta No.2708, New S.No.8/5A3 Hec 0.03.23 Measuring 8 cents or 3488 Sq.R. or 324.05 Sq.MTRS, together with the building thereon with amenities and the land bounded on the

NORTH BY	:	9 Cents Land Belongs To Mrs. Pushpam,
SOUTH BY	:	9 Cents Vacant Land Belongs To Mrs. Rajeshwari
EAST BY	:	10 Feet Wide South North Pathway
WEST BY	:	Odai

Situated within the Sub-Registration District of Joint – II SRO Dindigul 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.V. Kannan, Enrollment No. MS 1481/2015 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 28.11.2025.

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 29th day of October 2025.

Chief Judicial Magistrate,
Dindigul.

1) Petitioner side witness:
PW1 Mr. Mathu K.

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

Sl.No.	Date	Description of Document	Remark
1.	04.02.2025	Letter of Authorization	Attested true copy
2.	03.08.2019	Copy of Loan Application	Attested true copy
3.	26.09.2019	Copy of Sanction Letter	Attested true copy
4.	29.12.2021	Copy of Sanction Letter	Attested true copy
5.	27.09.2019	Copy of Loan Agreement	Attested true copy
6.	27.09.2019	Copy of Deed of Guarentte	Attested true copy
7.	21.01.2022	Letter of Acknowledgment of Debt	Attested true copy
8.	11.12.2014	Copy of Settlement Deed	Attested true copy
9.	24.10.2019	Copy of Memorandum of Deposit of Title Deed	Attested true copy
10.	30.09.2020	Copy of Supplementary Memorandum of Deposit of Title deed	Attested true copy
11.	12.03.2024	Copy of Notice issued under Section 13(2) of the SARFAESI Act	Attested true copy
12.	30.03.2024	Copy of 13(2) Publication in Tamil Newspaper Dinamani	Attested true copy
13.	30.03.2024	Copy of 13(2) Publication in English Newspaper The New Indian Express	Attested true copy
14.	31.07.2024	Copy of 13(4) Possession Notice for immovable property along with Receipts and online Tracker	Attested true copy
15.	04.08.2024	Copy of Possession Notice 13(4) Publication in Dinamani Tamil	Attested true copy
16.	04.08.2024	Copy of Possession Notice 13(4) Publication in "New Indian Express"	Attested true copy
17.	--	13(4) Affixture Photo	Attested true copy
18.	12.05.2025	Copy of Statement of Account	Attested true copy
19.	12.05.2025	Copy of Encumbrance Certificate	Attested true copy

Chief Judicial Magistrate,
Dindigul.

Cr.M.P.No. 2831/2025

Date: 29.10.2025

Order pronounced in open Court.

In the result, Advocate Mr.V. Kannan, Enrollment No. MS 1481/2015 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 28.11.2025.

Chief Judicial Magistrate,
Dindigul.

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



Dated 29th day of October 2025.

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Kuttathpatti, Dindigul, TamiINadu – 624 002 .

...Respondents

Warrant of Commissioner

Whereas it is deemed requisite for the purpose of this CrI.M.P.No. 2831/2025 that a Commission should be issued. Hence Advocate Mr.V. Kannan, Enrollment No. MS 1481/2015 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 28.11.2025.

Given under my hand and the seal of this Court on the 29th day of October 2025.

Chief Judicial Magistrate,
Dindigul.

SCHEDULE OF PROPERTIES

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Situated within the Sub-Registration District of Joint – II SRO Dindigul and
Registration District of Dindigul.

Chief Judicial Magistrate,
Dindigul.

To

1. Mr.V. Kannan, Advocate/Commissioner,
Enrollment No. MS 1481/2015, Dindigul.
2. The File.