IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KANCHEEPURAM

Present: Tmt. S. Mohanambal, M.A., B.Ed., M.L.,
Chief Judicial Magistrate,
Kancheepuram.

Dated at Kancheepuram, this the 02nd day of February, 2026
Crl. M.P. No. 581/2025

INDIAN BANK
Represented by its
Mr. C. Prabhakaran,
Chief Manager/ Authorised officer
Sri Ramachandra University Porur Branch,
Sri Ramachandra Hospital Complex,
Ramachandra Nagar, Porur,
Chennai-600116. ... Petitioner

- Vs -

1. Ms. S.R. Samyuktha,
D/o V.R.Ranganathan,
B4, Staff Quarters,
Sri Ramachandra University,
Porur, Chennai - 600 116.

At :
Plot No.14B, Sri Annai Avenue,
Madhananthapuram Village,
Sriperumpudur Taluk,
Kancheepuram District,
Chennai - 600 116.

2. Mr.V.R.Ranganathan,
S/o V.Ramakrishnan,
B4, Staff Quarters,
Sri Ramachandra University,
Porur, Chennai - 600 116.
At :
Plot No.14B,
Sri Annai Avenue,
Madhananthapuram Village,
Sriperumpudur Taluk,
Kancheepuram District,
Chennai - 600 116.

3. Mrs. R. Sumathi
W/o V.R.Ranganathan
B4, Staff Quarters,
Sri Ramachandra University,
Porur, Chennai – 600 116.

At:
Plot No.14B, Sri Annai Avenue,
Madhananthapuram Village,
Sriperumpudur Taluk,
Kancheepuram District,
Chennai – 600 116. ...Respondents

This petition having stood over for consideration on the file of this court till this date finally came up before me on 21.01.2026 in the presence of M/s. P. Britto, N.R. Priyanga and M. Kowsalya, learned counsels for the petitioner and upon perusing the records and hearing the arguments of the petitioner this court today delivered the following,

ORDER

1. This is a Petition filed by the Petitioner / Secured Creditor Under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter in short referred as SARFAESI Act) seeking to appoint an Advocate Commissioner to take possession of the petition mentioned schedule of property and hand over the same to the Petitioner.

2. Mr. C. Prabhakaran, duly authorized officer of the Secured Creditor had represented the Secured Creditor.

3. The respondents/borrowers had approached the Petitioner Bank and availed Home Loan Facility for a sum of Rs. 45,00,000/- [Rupees Forty Five Lakhs Only] vide Letter of Sanction dated 11.02.2019. As agreed in terms of

Sanction letter, the respondents/borrowers had executed a Loan agreement and thereafter the amount was disbursed by Secured Creditor. The respondents/borrowers had executed a letter evidencing deposit of title deeds viz., Sale Deed dated 23.01.2008 vide Document No. 437/2008 and also executed a Memorandum of Deposit of Title Deeds vide Document No. 2743/2019 dated 31.02.2019 and handed over the title deeds in respect of the petition mentioned property in favour of the Petitioner.

4. The respondents/borrowers had agreed to repay the above said Loans as per the terms and conditions mentioned in the Loan agreement. The loan was periodically revived and the respondents are liable to repay the loan and still the Mortgage is continued to be in force.

5. The respondents/borrowers failed to repay the said loan either towards principal or interest or charges thereon. Due to the default committed by the respondents, the petitioner has classified the respondents' account as Non Performing Assets (NPA) as defined in Section 2(0) of the Act on 13.06.2024.

6. Thereafter the petitioner had issued a demand notice under section 13 (2) of the SARFAESI Act dated 01.07.2024 to the respondents calling upon them to discharge the liability which is amounting to Rs. 63,14,490/- [Rupees Sixty Three Lakhs Fourteen Thousand Four Hundred and Ninety Only] arising out of aforesaid agreements, as detailed in the said demand notice within 60 days from the date of the said notice. The said notice sent through RPAD and the Postal Acknowledgement Cards (3 Nos) are filed along with this petition.

7. The respondents on receipt of 13(2) notice neither replied to 13 (2) notice nor complied with the demands made therein and hence the respondents are liable to pay the outstanding dues as claimed in the 13(2) notices with accrued interest thereon. Thereafter Bank has taken symbolic possession of the petition

mentioned property and issued a notice under Section 13(4) of the SARFAESI Act on 22.10.2024. The said notice was delivered in person. The said notice had also been published in the two leading daily news papers namely in English “The New Indian Express” and in Tamil "Dhinamani" on 24.10.2024. Hence it is clear that the Petitioner Bank had initiated recovery proceedings to recover the aforesaid secured debt due from the respondents by way of taking possession and for sale of the secured asset. The Petitioner/Secured Creditor has apprehension that the respondents/and their men, agents, servants may prevent the Authorized Officer of the Petitioner/Secured Creditor from entering into the schedule property, and the same may cause breach of peace as the respondents have proclaimed that if anybody from the Petitioner/ Secured Creditor approaches them to take possession of the schedule of property will be threatened with dire consequences. In view of the proclamation, the respondents will not handover peaceful possession of the said Schedule of property to the Petitioner/Secured Creditor and therefore the assistance of the Police while taking possession of the mortgaged property is necessary in the instant case.

8. The Petitioner/Secured Creditor submits that the respondents/borrowers had not obtained any order of stay against the Secured Creditor for taking possession of the Schedule of Property or any proceedings are pending before the D.R.T. or any other forum pertaining to the borrower. Hence this petition.

9. Now the Point for determination is whether the petitioner/Bank is entitled to the relief sought for in the petition.

On the side of the Petitioner, the Authorized Officer, Mr. C. Prabhakaran, Chief Manager was examined as P.W. 1 and through him Ex. P-1 to P-19 are marked.

In the case on hand, the petitioner/Non Banking Financial Company has produced copy of Loan agreement, Sale deed and Original M.O.D.T. Documents, copy of Notice under Section 13(2) notice dated 01.07.2024 and Notice under Section 13(4) dated 22.10.2024. The Paper Publications effected in this case as well as the Mortgage Documents and other connected documents establish that the respondents have availed financial services by way of getting loan from the petitioner. Statement of Accounts reveals that the respondents had failed to repay the loan amount as per the terms and conditions which resulted in classifying their loan account as Non Performing Asset. The Petitioner has proved that the Petition mentioned schedule properties are hypothecated in favour of the Petitioner/Secured Creditor. The Mortgage Deed and Encumbrance certificate produced by the petitioner show that the respondents had mortgaged the petition mentioned property. The evidence of P.W. 1 establishes that there is no stay pending against the petitioner to prevent the petitioners from dealing with the mortgaged Property.

10. In the case of

Standard Chartered Bank -vs- Noble Kumar and others
reported in 2013 CTC 6 683: 2013 (5) LW 97

The Hon’ble Supreme Court had held that there is no adjudication of any kind at the stage of application filed under Section 14 of SARFAESI Act and the authority acting under the above provision is not required to give notice either to the borrower or to the third party.

11. In the case of

Techno Builders and others //VS// Canara Bank and Others
(MANU/TN/9525/2019)

Our Hon'ble Madras High Court had held that: “In the considered opinion of this Court, Section 14 of the SARFAESI Act did not contemplate any notice of hearing/ objection from the Borrowers and as such there may not be any necessity of affording opportunity of personal hearing to the Borrowers/Petitioners and that apart though it is the claim of the petitioner that the appeal is pending against recovery proceedings, there is no interim order in operation and in the absence of the same, it is always open to the 2nd respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1st respondent"

There is a catena of decisions of the Hon'ble Apex Court and our Madras High Court stating that in an application under Section 14 of the SARFAESI Act, no notice is required to be issued to the respondents/borrowers. In view of the above Judicial Precedents, this court feels that Section 14 is procedural in nature and merely empowers this court to assist the Petitioner/secured creditor in taking possession of the secured assets and no notice is required to be issued to the respondents. The Petitioner has made out a conclusive case to show that the respondents are defaulters and not repaid the loan amount and there is no stay against the petitioner to deal with the secured asset. Hence considering the nature and circumstances of the case, this Court has inclined to allow this petition.

In the result, this petition is allowed and Advocate M/s. D. Elango, Enrolment No. Ms. 1424/2017, Mobile No. 9788275578 is hereby appointed as Advocate Commissioner to take possession of the petition mentioned property and to hand over the same to the petitioner and to file a report within one month. At the time of taking possession if necessary, Advocate Commissioner can get the Police assistance/Protection from the Mugalivakkam Police Station for taking possession and Break open (if warranted), without approaching this court separately for such purpose. Video Shooting and Photography are allowed during the Panchanama and Inventory of the Properties. The Commissioner's remuneration is fixed at Rs.25,000/-. The Petitioner is hereby directed to pay 50% of the remuneration namely Rs. 12,500/- directly to the petitioner within 7 days from today. The remaining remuneration will have to be paid by the petitioner to the Advocate Commissioner at the time of filing his report. Report of the Advocate Commissioner by 05.03.2026.

Dictated by me to the Steno-typist, typed by her directly on computer, Corrected and pronounced by me in Open Court on this the 02nd day of February 2026.

S MOHANAMBAL
Chief Judicial Magistrate, Kancheepuram
Digitally signed by S MOHANAMBAL
Date: 2026.02.02 17:08:44 +0530

Chief Judicial Magistrate,
Kancheepuram.

SCHEDULE

All that piece and parcel of land and buildings situated at No.53, Madhanandhapuram Village, Sriperumbudur Revenue Taluk, Kancheepuram District, Western Portion of Plot No.14 measuring an extent of 1105 Sq.ft. comprised in S.No.114 and 115/3, as per Patta No.2393, S.No.114/2A, at "Sri Annai Avenue" and

Bounded on the:

North by	:	Plot No.13,
South by	:	Vacant Land,
East by	:	Remaining Portion of Plot No.14,
West by	:	Approved 16 Feet Road,

Measuring:

On the North Side	-	20'0"
On the South Side	-	45'0"
On the East Side	-	30'0"
On the West Side	-	38'0"

In all measuring 1105 Sq.ft. and situated within the Registration District of Chennai South and Sub Registration District of Kundrathur

List of Petitioner side Evidence :

P.W. 1 – Mr. C. Prabhakaran,

List of Petitioner side Exhibits :

Exhibits	Date	Description of Documents	Nature
Ex. P-1	-	Employee Identity Card (Compared with Original)	True Copy
Ex. P-2	15.06.2025	Authorization Letter issued to PW1 by the petitioner's Bank	Photo Copy
Ex. P-3	11.02.2019	Loan Application (Compared with Original)	True Copy
Ex. P-4	11.02.2019	Loan Sanction Letter (Credit Loan Sanction) (Compared with Original)	True Copy
Ex. P-5	16.02.2019	Loan Agreement (Compared with Original)	
Ex. P-6	16.02.2019	Demand Promissory Note (Compared with Original)	True Copy
Ex. P-7	16.02.2019	Agreement of Gurantee (Compared with Original)	True Copy
Ex. P-8	22.04.2024	Acknowledgement of Debt-cum-Security (Compared with Original)	True Copy
Ex. P-9	23.01.2008	Sale Deed vide Document No.437/2008 (Compared with Original)	True Copy
Ex. P-10	31.02.2019	Memorandum of Deposit of Title Deeds vide Document No.2743/2019 (Compared with Original)	True Copy
Ex. P-11	01.07.2024	Demand Notice under Section 13(2) of SARFAESI Act along with the Postal Acknowledgement cards (4 Nos) (Compared with Original)	True Copy
Ex. P-12	22.10.2024	Possession Notice under section 13(4) of SARFAESI Act the said notice was delivered in person (Compared with Original)	True Copy
Ex. P-13	-	Photos of Affixing Possession Notice (2 Nos)	Photo Copy
Ex. P-14	24.10.2024	Paper Publication of Possession Notice in English 'The New Indian Express' (Compared with Original)	Photo Copy
Ex. P-15	24.10.2024	Paper Publication of Possession notice in Tamil News Paper 'Dhinamani' (Compared with Original)	Photo Copy

Ex. P-16	16.04.2025	Statement of Accounts for the period from 20.06.2019 to 15.04.2025	Downloaded Copy
Ex. P-17	19.01.2026	Statement of Accounts for the period from 16.02.2019 to 18.01.2026	Downloaded Copy
Ex. P-18	25.04.2025	Encumbrance Certificate for the period from 01.01.2007 to 24.04.2025	Downloaded Copy
Ex. P-19	19.01.2026	Encumbrance Certificate for the period from 01.01.2007 to 18.01.2026	Downloaded Copy

S MOHANAMBAL

Chief Judicial Magistrate, Kancheepuram
Digitally signed by S MOHANAMBAL
Date: 2026.02.02 17:08:52 +0530

Chief Judicial Magistrate,
Kancheepuram.