

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
MAYILADUTHURAI.**

Present :

Tmt. S. Tamilselvi, B.A., L.L.M., Dip. In (J.J & J.P)

Chief Judicial Magistrate.

Mayiladuthurai.

Monday, the 09th day of March, 2026.

Criminal Miscellaneous Petition No.309/2026.

Petitioner : M/s. Equitas Small Finance Bank Limited,
Represented by its Authorized Officer Mr. Kalaiyaran.

Respondents : 1. Mr. Mahenthiran, S/o. Mr. Mani,
No.3-392, Kalani Street, Poigaikudi, Kali,
Nagapattinam – 609 811.

2. Mrs. Rega, W/o. Mr. Mahenthiran,
No.2/57, Manmathan Kovil Street, Thirumangalam,
Nagapattinam – 609 811.

3. Mr. Mani, S/o. Mr. Pakkirisamy,
No.5, Keezha Street, Namasivayapuram,
Nagapattinam – 609 811.

4. Mrs. Lalitha, W/o. Mani,
No.5, Keezha Street, Namasivayapuram,
Nagapattinam – 609 811.

5. Mr. Prabu, S/o. Mani,
No.5, Kaliyamman Kovil Street, Thirumangalam,
Nagapattinam – 609 811.

6. Mrs. Prema Kumari, W/o. Prabu,
No.5, Kaliyamman Kovil Street, Thirumangalam,
Nagapattinam – 609 811.

The Petition was taken on file 13.02.2026 and coming on 02.03.2026 for final hearing before this court in the presence of Mr. A. R. Giridhar Gopal the learned counsel for the Applicant/secured creditor and upon hearing the arguments and on perusal records this court passed the following

ORDER

1. The Petitioner filed this application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.[SARFAESI Act] along with an affidavit duly affirmed by the authorized officer of the Petitioner seeking assistance of this court to take possession of the secured asset.

2. Heard the learned counsel for the Petitioner and the affidavit of authorized officer of the Applicant/secured creditor and records perused.

3. It is the contentions of the authorized officer, that the Petitioner sanctioned a loan in favour of the Respondents and the said loan was secured by a

registered deed created by borrower in favour of Petitioner. The Respondents committed default in repayment of the said loan and the loan account was assessed as a Non - Performing Asset (NPA). The Petitioner bank issued a notice under section 13 (2) of the SARFAESI Act calling upon Respondents to pay the amount. A public notice was also issued by the Petitioner in newspapers. However, the Respondents did not pay the loan amount and thereafter, the Petitioner filed this application seeking assistance of the court, for taking physical possession of the secured assets.

4. It is settled law, that the power of the court described in Section 14 of the SARFAESI Act is ministerial in nature and there is no adjudicatory process and notice to the borrowers is not necessary. Here in this petition, the provisions of SARFAESI Act and the rules made there under had been complied with properly and on the side of the Petitioner PW1 Authorized Officer Mr. Kalaiyaran examined and Ex.P.1 to Ex.P.13 were marked and this court is satisfied with the contents of the affidavit filed by the authorized officer of the Petitioner and also the ingredients of Section 14 of the SARFAESI Act is satisfied. Therefore, this court is inclined to allow this petition.

5. In the result, the petition is allowed and Mr. K. Paramasivam (Contact No : 94423 97455), Advocate is hereby appointed as Commissioner. The Advocate/Commissioner is directed to assist the Petitioner to take possession of the schedule mentioned secured assets, after taking inventory of the articles and

handover to the Petitioner, so as to proceed to recover the dues. The commissioner is permitted to approach the local police for assistance to obviate any untoward situation or law and order problem at the site while taking over possession. The commissioner shall prepare a detailed report for the entire proceedings and the same is to be filed before this court. The Commissioner's remuneration is fixed as Rs.20,000/- and the Petitioner shall pay the same directly to the Advocate/Commissioner on or before 30.03.2026 and file the memo to that effect. For Commissioner report call on 17.04.2026.

Dictated to Steno - Typist, typed by her directly in computer and corrected and pronounced by me in the open court, this the 09th day of March 2026.

Chief Judicial Magistrate,
Mayiladuthurai.

SCHEDULE OF SECURED ASSETS

Description of Property :-

Item -1 :

All the piece and parcel of land along with building Old S. No.635/1A part, New S. No.635/1A1 with an extent of 2883.68 Sq.ft., Situated at Poigaikudi Village, Kali – I Village, Mayiladuthurai Taluk and District, Poyyakkudy East Street.

Boundaries :-

CrI.M.P.No.309/2026, Dated : 09.03.2026

North by : Road.

South by : Mr. Selvaraj Land.

East by : Mrs. Lalitha Land.

West by : Road.

Measurement : 2883.68 Sq.ft.,

Situated at within the Sub-Registration District of Mayiladuthurai Joint -I and Registration District of Mayiladuthurai.

Item -2 :

All the piece and parcel of land along with building Old S. No.635/1A part, New S. No.635/1A2 with an extent of 1420.32 Sq.ft., Situated at Poigaikudi Village, Kali – 1 Village, Mayiladuthurai Taluk and District, Poyyakkudy East Street.

Boundaries :-

North by : Road.

South by : Mr. Selvaraj Land.

East by : Mrs. Lalitha Land.

West by : Mr. Annadurai Land.

Measurement :

Situated at within the Sub-Registration District of Mayiladuthurai Joint 1 and Registration District of Mayiladuthurai.

Petitioner Side witnesses :-

PW.1 : 02.03.2026 Authorized Officer Mr. K. Shanmuganathan

Petitioner Side Exhibits :-

- Ex.P1 : 14.11.2024 Letter of Authority.
- Ex.P2 : 16.06.2022 Loan Application.
- Ex.P3 : 24.06.2022 Loan Sanction Letter.
- Ex.P4 : 25.06.2022 Loan Agreement.
- Ex.P5 : 12.09.1995 Patta.
- Ex.P6 : 24.06.2022 Memorandum of Deposit of Title Deeds.
- Ex.P7 : 17.03.2025 Demand Notice.
- Ex.P8 : --- Postal Tracking Records for Demand Notice.
- Ex.P9 : 31.07.2025 Possession Notice.
- Ex.P10 : --- Possession Notice – Returned Unserved & Acknowledgment Cards.
- Ex.P11 : 24.07.2025 Paper Publication.
- Ex.P12 : 27.12.2025 Statement of Accounts.
- Ex.P13 : 07.01.2026 Encumbrance Certificate.

Chief Judicial Magistrate,
Mayiladuthurai.