

**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.311/2026.

Petitioner : M/s. Omkara Assets Reconstruction Private Limited,
(acting in its capacity as Trustee of Omkara PS07/2023-24 Trust)
Through its Authorized Officer Mr. Karthi Govindasamy.

Respondents : 1. M/s. Sakthi International,
Represented by its Partners,
C.S. Thirugnanasambandam & T. Latha,
No.71/B, Seerankuppam Main Road,
Seerankuppam Main Road,
Seerankuppam, Panruti – 607 112.

2. C.S. Thirugnanasambandam, (Aged 44 years),
S/o. C. Sivasubaramaniam,
No.44, Melapalayam Road,
VSP Nagar II, Panruti – 607 106.

3. T. Latha, (Aged 43 years)
W/o. C. S. Thirugnanasambandam,
No.44, Melapalayam Road,
VSP Nagar II, Panruti – 607 106.

4. S. Sujatha, (Aged 40 years),
W/o. Sureshkumar,
No.14/38, Nehru Nagar, Thenpathi,
Sirkali, Nagapattinam – 609 110.
5. G. Sureshkumar, (Aged 42 years),
S/o. Govindarajan,
No.14/38, Nehru Nagar, Thenpathi,
Sirkali, Nagapattinam – 609 110.

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. S. Ragavan 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. Kalpesh K. Ojha examined and Ex.P.1 to Ex.P.23 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. M. Balaji (Contact No : 78679 70442), 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 No.1

Description of the property (Property : 4 in the name of T. Latha)

Mayiladuthurai Reg. Dt., Sirkazhi Sub. Reg. Dt., at Kaivilancherry Village, with in Sirkazhi Municipal limits at Agraratirukolakka Street, (Nehru Nagar) Wet Survey No.30/3C Plot No.10 Measuring 99 feet on the western side, 87 feet 6 inches

on the western side, 30 feet on the north and 47 feet and 3 inches on the south 3606 Sq. feet (335 Sq., meter) with RCC building in 1300 Sq., feet with all fixtures. Service connection No.600, Plot No.10, Door No.14/3A.

Boundaries :-

South of Road.

West of Plot No.9.

East of Channel.

North of Sundaram Vagaira Nanja Lands.

Total Extent : 3606 Sq., feet (335 Sq., meter) with RCC building in 1300 Sq., feet with all fixtures.

Item No.2

Description of the property (Property : 6a in the name of T. Latha)

Mayiladuthurai Reg. Dt., Sirkazhi Sub. Reg. Dt., at Kaivilancherry Village, with in Sirkazhi Municipal limits. Survey No.22/3B1 Old No.22/3B 14400 Sq., feet vacant site.

Boundaries :-

South of Rajalakshmi's lands.

North of Somu's lands.

West of Govindaraju's lands.

East of Rajakumari's lands.

Total Extent : 0.33 Acre (33 cents) = 14400 Sq., feet = 1336.61 Sq., Meter.

Item No.3**Description of the property (Property : 6a in the name of T. Latha)**

Mayiladuthurai Reg. Dt., Sirkazhi Sub. Reg. Dt., at Kaivilancherry Village, with in Sirkazhi Municipal limits. Survey No.22/3B Old No.22/3B 0.03 Acre (3 cents) = 1308 Sq., feet – 121.51 Sq., meter.

Boundaries :-

East of Latha's Nanja lands.

West of Road.

North of remaining lands of Govindarajan.

South of Rajalakshmi's lands.

Total Extent : 0.33 Acre (3 cents) 1308 Sq., feet = 121.51 Sq.

Item No.4**Description of the property (Property : 7 in the name of G. Suresh Kumar)**

Nagapattinam District, Mayiladuthurai Reg. Dt., Sirkazhi Sub Reg., Dt., at Kaivilancherry Village, Wet Survey No.22/3B1 (22/3B) an extent of 20251 Sq., feet Vacant site.

Boundaries :-

North of Sujatha's lands.

South of Sankar's lands.

East of Latha's lands & Road.

West of Rameshkumar's lands.

Total Extent : 20251 Sq.feet.

Item No.5

Description of the property (Property : 8 in the name of T. Latha)

Nagapattinam District, Mayiladuthurai Reg. Dt., Sirkazhi Sub. Reg. Dt., at Kaivilancherry Village, Wet Survey No.22/3B 22000 Sq. feet = 2044 Sq.Mtr., Vacant site.

Boundaries :-

South of property retained by Sureshkumar.

North of Sankar's Property.

East of Latha's lands and Road.

West of Rameshkumar's lands.

Total Extent : 22000 Sq.,ft.,

Petitioner Side witnesses :-

PW.1 : 02.03.2026 Authorized Officer Mr. Kalpesh K. Ojha.

Petitioner Side Exhibits :-

Ex.P1 : 24.09.2025 Board Resolution.

Ex.P2 : 18.05.2018 Letter of Hypothecation Copy.

Ex.P3 : 18.05.2018 Letter of Guarantee of 2nd Respondent.

Ex.P4 : 18.05.2018 Letter of Guarantee of 3rd Respondent.

Ex.P5 : 18.05.2025 Letter of Guarantee of 4th Respondent.

Ex.P6 : 18.05.2018 Letter of Guarantee of 5th Respondent.

- Ex.P7 : 20.11.2017 Memorandum of Deposit of Title Deeds bearing Doc. No.2449/2017.
- Ex.P8 : 28.12.2011 Gift Deed bearing Doc. No. 3868/2010.
- Ex.P9 : 26.11.2010 Gift Deed bearing Doc. No. 3868/2010.
- Ex.P10 : 10.10.2011 Gift Deed bearing Doc. No. 3443/2011.
- Ex.P11 : 08.11.2011 Gift Deed bearing Doc. No. 3758/2011.
- Ex.P12 : 10.12.2013 Gift Deed bearing Doc. No. 3868/2010.
- Ex.P13 : 26.11.2021 Demand Notice u/s 13 (2) of the SARFAESI Act.
- Ex.P14 : 30.11.2021 Proof of service.
- Ex.P15 : 30.11.2023 Assignment Agreement.
- Ex.P16 : 02.06.2025 Possession Notice under rule 8 (1) Sec 13 (4) of the SARFAEST Act.
- Ex.P17 : 04.06.2025 Proof of service.
- Ex.P18 : 31.05.2025 Possession Notice Paper Publications in “Financial Express” and “Makkal Kural”.
- Ex.P.19 : 03.06.2025 Statement of Accounts.
- Ex.P20 : 04.04.2025 CERSAI Report.
- Ex.P21 : 18.03.2025 Encumbrance Certificate
- Ex.P22 : 21.03.2024 Assignment Agreement.
- Ex.P23 : --- Tracking Consignment.

Chief Judicial Magistrate,
Mayiladuthurai.