

**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 09<sup>th</sup> day of March, 2026.**

**Criminal Miscellaneous Petition No.287/2026.**

- Petitioner : M/s. Shriram Finance Ltd.,  
(Shriram City Union Finance Ltd.,)  
has been merged with Shriram Transport  
Finance Ltd., which is renamed as  
Shriram Finance Ltd.,)  
**Registered Office** : No.14A, South Phase,  
Industrial Estate, Guindy, Chennai.  
**Branch Office** : Shriram House, 11<sup>th</sup> Cross,  
Ramachandrapuram, Thilai Nagar, Trichy,  
Represented by its Authorized Officer,  
D. Shanmugavadivelu.
- Respondents : 1. Jayaprakash, aged about 60/2026,  
S/o. Narayanasamy,  
No.3/144, Main Road, Perambur Post,  
Sirkali Taluk, Mayiladuthurai District.
2. Mr. Saikrishnan, aged about 27/2026,  
S/o. Jayaprakash,  
No.3/144, Main Road, Perambur Post,  
Sirkali Taluk, Mayiladuthurai District.

The Petition was taken on file 10.02.2026 and coming on 02.03.2026 for final hearing before this court in the presence of Mr. S. Suman 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. Shanmugavadivelu examined and Ex.P.1 to Ex.P.20 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 Mrs. A. Nirmala (Contact No : 97873 60495), 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 09<sup>th</sup> day of March 2026.

Chief Judicial Magistrate,  
Mayiladuthurai.

**SCHEDULE OF SECURED ASSETS****Description of Property :-****THE PROPERTY BELONGS TO R1 : Jayaprakash.**

Nagapattinam District (Now as Mayiladuthurai District), Mayiladuthurai Registration District, Kollidam Sub-Registry, Sirkali Taluk, Kollidam Panchayath Union, 7 Kunnam Revenue Village, Perambur Main Road.

1. Natham R.S. No.347/8 (Old R.S. No.347/1A) 93 Sq.Mtrs., (or) 1001 Sq.ft., Manai.

**Boundaries :-**

East of : Road.

West of : Pandarinathan Manai.

North of : Kumar-1, Ravi-2.

South of : Pazhani Manai.

2. Natham R.S. No.373/1A, 465.81 Sq.Mtrs., (or) 5014 Sq.ft., Manai out of 0.23.5 Ares with RCC building ground Floor and 1<sup>st</sup> Floor.

**Boundaries :-**

West of : Sundarajan Manai.

East of : Saroja Nanjai.

South of : Dhandapani Nanjai.

North of : Kanni.

Value of the property is about Rs.1,00,00,000/-.

**Petitioner Side witnesses** :-

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

**Petitioner Side Exhibits** :-

- Ex.P1 : 05.08.2016 The Gazette Notification.
- Ex.P2 : 08.04.2023 The Letter of Authorization.
- Ex.P3 : --- Petitioner Identification Card.
- Ex.P4 : 12.02.2021 The Gazette Notification.
- Ex.P5 : 09.11.2022 The National Company Law Tribunal Order.
- Ex.P6 : 30.11.2022 The Certificate given by ministry of corporate affairs about change of company name.
- Ex.P7 : 25.09.2017 The Loan Application.
- Ex.P8 : 25.09.2017 The Sanction Advice Letter.
- Ex.P9 : 25.09.2017 The Loan Agreement.
- Ex.P10 : 21.12.2011 The Mother Document (Sale Deed) D. No.1633/2011
- Ex.P11 : 19.09.2017 The Registered Memorandum of Simple Mortgage Deed. D. No.748/2017.
- Ex.P12 : 18.02.2023 The Demand Notice under the Sec 13 (2) of the SARFAESI Act 2002.
- Ex.P13 : 22.02.2023 Postal Receipts
- Ex.P14 : --- The Acknowledgment Card of R1, R2.
- Ex.P15 : 18.11.2023 The Possession Notice under section 13 (4) of the SARFAESI Act 2002.

- Ex.P16 : 24.11.2023 Postal Receipts.
- Ex.P17 : --- The Acknowledgment Card of R1, R2.
- Ex.P18 : 24.11.2023 The Paper Publication Tamil & English.
- Ex.P19 : 06.08.2025 The Encumbrance Certificate From : 01.01.2000,  
To : 05.08.2025.
- Ex.P20 : 02.05.2025 The Account of Statements.

Chief Judicial Magistrate,  
Mayiladuthurai.