

**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.2986/2025.

Petitioner : M/s. Ujivan Small Finance Bank Ltd.,
Having Branch Office at No.33, 2nd Floor,
Big Kannara Street, Mayiladuthurai – 609 001.
Rep by its Authorized Officer Mr. Prasanna JLC.

Respondents : 1. Mr. Murugan, S/o. Mr. Ramanathan,
No.127-2, Chinnanagangudi,
Vallalagaram, Mayiladuthurai Taluk,
Nagapattinam, Tamil Nadu – 609 118.
2. Mr. Ramanathan, S/o. Mr. Loganathan,
No.127-2, Chinnanagangudi,
Vallalagaram, Mayiladuthurai Taluk,
Nagapattinam, Tamil Nadu – 609 118.
3. Mrs. Rajakumari, W/o. Mr. Ramanathan,
No.127-2, Chinnanagangudi,
Vallalagaram, Mayiladuthurai Taluk,
Nagapattinam, Tamil Nadu – 609 118.

The Petition was taken on file 14.11.2025 and coming on 02.03.2026 for final hearing before this court in the presence of Mr. K. Sivarajapandian 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 Collection Manager Mr. S. Hariharan 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 Mrs. A. P. Sushmitha (Contact No : 89392 95455), 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 :-

All that part & parcel of the House building situated at Nagapattinam Registration District and Mayiladuthurai Sub Registration District and situated at Vellalakaram and Comprised with S. No. 158/4A5A and having an extent of acre 0.10 cents in equalling to 4360 sq.ft., Old S. No.158/4A5.

Boundaries :-

North of Sanchanagaram Cannel.

South of Path.

West of Property belongs to Kaliyaperumal.

East of Property belongs to Gothandaraman.

Measuring in all acre 0.10 cents in equalling to 4360 Sq.ft., and together with all usual pathway rights, easement rights and layout rights relating thereto.

Petitioner Side witnesses :-

PW.1 : 02.03.2026 Collection Manager Mr. S. Hariharan.

Petitioner Side Exhibits :-

Ex.P1 : 12.06.2023 Authorization of letter.

Ex.P2 : 11.08.2017 Loan Application.

Ex.P3 : 23.08.2017 Sanction Letter.

Ex.P4 : 22.08.2017 Loan Agreement.

Ex.P5 : 12.03.1976 Sale Deed Registered as Doc. No.162 of 1976 in the office of the Sub-Registrar, Mayuram.

Ex.P6 : 28.08.2017 Memorandum of Deposits of title Deeds registered as document No.1395 of 2017 in the office of the Sub-Registrar, Joint-1 Mayiladuthurai.

- Ex.P7 : 20.11.2021 Demand Notice under the Sec 13 (2) of the SARFAESI Act, along with Postal Receipt and Tracking Consignment.
- Ex.P8 : 02.06.2022 Possession Notice along with Postal Receipts.
- Ex.P9 : 02.06.2022 13 (4) Pasting Photos.
- Ex.P10 : 08.06.2022 Paper Publication of the Sec 13 (4) Notice in the Indian Express (English Daily) and Dinamani (Tamil Daily – Vernacular Language).
- Ex.P11 : 10.12.2024 Statement of Accounts.
- Ex.P12 : 17.12.2024 Encumbrance Certificate.
- Ex.P13 : 10.12.2024 CERSAI Report.

Chief Judicial Magistrate,
Mayiladuthurai.