

**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.358/2026.**

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

Respondents : 1. Mr. N. Parthipan.  
2. Mr. S. Natarajan.  
3. Mrs. N. Saraswathi.

The Petition was taken on file 20.02.2026 and coming on 02.03.2026 for final hearing before this court in the presence of Mr. A. Mohamed Safi 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.17 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. Sathishkumar (Contact No : 99948 70945), 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 :-**

All that piece and parcel of land and building, Comprised in Old R. S. No.573/Part, New R.S.No.573/18, with an extent of 3993.44 Sq.ft., (371 Sq.Mtr.) situated at Kanniyamman Kovil Street, Mathirimangalam Village, Kuthalam Taluk, Nagapattinam District.

**Boundaries :-**

North by : S. No.572, Cement Street.

South by : S. No.575/2A, Arulmigu Murugan Kovil.

East by : Road (Nadai Pathai).

West by : S. No.573/17, Vacant Land.

**Petitioner Side witnesses :-**

PW.1 : 02.03.2026 Authorized Officer Mr. Kalaiyaran.

**Petitioner Side Exhibits :-**

Ex.P1 : 14.11.2014 Letter of Authorization.

Ex.P2 : 30.06.2016 RBI Banking Licence.

Ex.P3 : 18.12.2015 Ministry of Finance Notification.

Ex.P4 : 02.09.2016 Certificate of Incorporation (Change of Name).

- Ex.P5 : 17.06.2019 Loan Application.
- Ex.P6 : 25.06.2019 Loan Sanction Letter.
- Ex.P7 : 25.06.2019 Loan Agreement.
- Ex.P8 : 08.04.1996 Manavari Thoraya Patta and Revenue Records.
- Ex.P9 : 27.06.2019 Memorandum Confirming Deposit of Title Deeds.
- Ex.P10 : 10.07.2025 Demand Notice under section 13 (2) of SARFAESI Act.
- Ex.P11 : --- Returned Postal Covers (Demand Notice).
- Ex.P12 : 26.08.2025 Newspaper Publication of Demand Notice.
- Ex.P13 : 13.11.2025 Syumbolic Possession Notice under Section 13 (4) of SARFAESI Act.
- Ex.P14 : --- Returned Postal Covers (Possession Notice).
- Ex.P15 : 18.11.2025 Newspaper Publication of Possession Notice.
- Ex.P16 : 08.01.2026 Statement of Account.
- Ex.P17 : 05.02.2026 Encumbrance Certificate.

Chief Judicial Magistrate,  
Mayiladuthurai.