

**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.

Friday, the 19th day of June, 2026.

Criminal Miscellaneous Petition No.1312/2026.

Petitioner : M/s. Mahindra Rural Housing Finance Limited,
Mahindra Towers, P.K. Kurne Chowk,
Worli, Mumbai - 400 018, Maharashtra, India,
Represented by its Authorized Officer,
Mr. T. Hariharan.

Respondents : 1. X. Dhilipkumar,
No.81, Agarathirukolakka, Thenpathi,
Sirkali Taluk, Nagapattinam District,
Now Mayiladuthurai District,
Tamil Nadu - 609 111.

2. D. Rosalinhefcebai,
No.81, Agarathirukolakka, Thenpathi,
Sirkali Taluk, Nagapattinam District,
Now Mayiladuthurai District,
Tamil Nadu - 609 111.

3. N. Sridhar,
No.19/2C, Agarathirukolakka, Thenpathi,

Sirkali Taluk, Nagapattinam District,
Now Mayiladuthurai District,
Tamil Nadu - 609 111.

The Petition was taken on file 09.06.2026 and coming on 16.06.2026 for final hearing before this court in the presence of Mr. V. Akilan 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. T. Hariharan examined and Ex.P.1 to Ex.P.16 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 Miss. K. Ishwarya (Contact No : 8754108524), 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 Advocate/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 Advocate/Commissioner shall prepare a detailed report for the entire

proceedings and the same is to be filed before this court. The Advocate/Commissioner remuneration is fixed as Rs.20,000/- and the Petitioner shall pay the same directly to the Advocate/Commissioner on or before 09.07.2026 and file the memo to that effect. For Commissioner report call on 23.07.2026.

Dictated to Steno - Typist, typed by her directly in computer and corrected and pronounced by me in the open court, this the 19th day of June 2026.

Chief Judicial Magistrate,
Mayiladuthurai.

SCHEDULE OF SECURED ASSETS

Description of Property :-

Mayiladuthurai Registration District, Sirkali Sub-Register office, Sirkali Taluk, Thadalankoil Village, Agarathirukolakka Street (Thirukolakka Street), Punjai R.S. No.228/9, (T.S. No.17 Old T.S. No.362) extent 2178 Sq.ft., (202.34 Sq.Mtr.). Building with construction going on.

Boundaries :-

East by Martin House Manai.

West by Martin House.

North by Agara Thirukolakka Street Road.

South by Govindasamy Manai.

Petitioner Side witnesses :-

Petitioner Witness No.	Dated of witness	Name of witness	Description
PW.1	16.06.2026	Mr. T. Hariharan	Petitioner

Petitioner Side Exhibits :-

Exhibit No.	Dated	Description of the Exhibit	Proved by / Attested by
Ex.P1	15.10.2024	Authorized Officer Letter.	PW1
Ex.P2	13.08.2007	Certificate of Registration.	PW1
Ex.P3	18.12.2015	Ministry of Finance Notification.	PW1
Ex.P4	18.06.2018	Loan Application.	PW1
Ex.P5	30.06.2018	Loan Sanction Letter.	PW1
Ex.P6	30.06.2018	Loan Agreement executed by the respondents in favour of the Petitioner.	PW1
Ex.P7	14.10.2016	Partition Deed Executed in favour of 1 st Respondent by his Mother Mr. Regina, W/o. Xavier (late) and other lawful family members who has rights in schedule property vide Doc. No.3119/2015.	PW1
Ex.P8	28.08.2018	Memorandum of Deposit of Title Deeds executed by 1 st Respondent in favour of the Petitioner / Secured creditor Vide Doc. No.2292/2018.	PW1

Ex.P9	21.06.2025	Demand Notice with Postal Receipt (3 Nos.)	PW1
Ex.P10	---	Online Postal Tracking Consignment (3 Nos.)	PW1
Ex.P11	25.02.2026	Possession Notice.	PW1
Ex.P12	---	Served Acknowledgment Cards of Possession Notice (2 Nos)	PW1
Ex.P13	12.02.2026	Possession Notice Published in Hindu Tamil (Tamil).	PW1
Ex.P14	12.02.2026	Possession Notice Published in the Hindu (English).	PW1
Ex.P15	15.05.2026	Statement of Account.	PW1
Ex.P16	23.05.2026	Encumbrance Certificate.	PW1

Respondents side witnesses :- Nil.

Respondents side Exhibits :- Nil.

Chief Judicial Magistrate,
Mayiladuthurai.