

**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.

Tuesday, the 12th day of May, 2026.

Criminal Miscellaneous Petition No.899/2026.

Petitioner : M/s. Equitas Small Finance Bank Limited
(Formerly known as M/s. Equitas Finance Ltd.,)
Rep by its Authorized Officer Murugan,
F-39, Spencer Plaza, No. 769,
4th Floor, Phase -II, Anna Salai, Chennai 2.

Respondents : 1. Mr. G. Kannan, S/o. Gandhi,
No. 3/117, Kambar Street, Therizhandhur,
Nagapattinam - 609 808.
2. Mr. G. Gandhi, S/o. Govindaraj,
No. 3/117, Kambar Street, Therizhandhur,
Nagapattinam - 609 808.
3. Mrs. G. Shakila, W/o. Gandhi,
No. 3/117, Kambar Street, Therizhandhur,
Nagapattinam - 609 808.

The Petition was taken on file 08.04.2026 and coming on 04.05.2026 for final hearing before this court in the presence of Mr. M. Balaji 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. Murugan examined and Ex.P.1 to Ex.P.12 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. Karthikeyan (Contact No : 9750091414), 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 Commissioners remuneration is fixed as Rs.20,000/- and the Petitioner shall pay the same directly to the

Advocate/Commissioner on or before 01.06.2026 and file the memo to that effect.

For Commissioner report call on 19.06.2026.

Dictated to Steno - Typist, typed by her directly in computer and corrected and pronounced by me in the open court, this the 12th day of May 2026.

Chief Judicial Magistrate,
Mayiladuthurai.

SCHEDULE OF SECURED ASSETS

Description of Immovable Property :-

All the piece and parcel of the land and building Comprised in New S. No. 128/25 (Old S. No. 128/6), Measuring with an extent of 5433.8 Sq.ft., Situated at Sarvamanya Street, Thomuthalangudi Revenue Village, Kuthalam Taluk, Nagapattinam District, Bounded on the

Boundaries :-

North by Sarvamanya Street.

South by Maharajan Punjai.

East by Selavaraj House Land.

West by Mrs. Kamsalai House Land.

Situated at with the Sub Registration District of Kuthalam Taluk and Registration District of Mayiladuthurai.

Petitioner Side witnesses :-

Petitioner Witness No.	Dated of witness	Name of witness	Description
PW.1	04.05.2026	Mr. Murugan	Petitioner

Petitioner Side Exhibits :-

Exhibit No.	Dated	Description of the Exhibit	Proved by / Attested by
Ex.P1	06.01.2025	Letter of Authority	PW1
Ex.P2	10.07.2021	Loan Application (Appl. No. 0416540)	PW1
Ex.P3	26.07.2021	Sanction Letter	PW1
Ex.P4	26.07.2021	Loan Agreement	PW1
Ex.P5	08.01.2021	Settlement Deed (Doc. No. 40/2021)	PW1
Ex.P6	27.07.2021	MOD (Doc. No. 1497/2021)	PW1
Ex.P7	10.07.2025	Demand Notice under sec 13 (2) issued under SARFAESI Act, 2002 with enclosed Postal Receipts and tracking	PW1
Ex.P8	26.08.2025	Paper publication of Demand Notice in Tamil and English Daily	PW1
Ex.P9	13.11.2025	Possession Notice under Sec 13(4) issued under SARFAESI Act, 2002 with enclosed Postal Receipts and tracking	PW1
Ex.P10	18.11.2025	Paper Publication in Tamil and English Daily	PW1
Ex.P11	26.12.2025	Statement of Account.	PW1

Ex.P12	22.02.2026	Encumbrance Certificate.	PW1

Respondents side witnesses :- Nil.

Respondents side Exhibits :- Nil.

Chief Judicial Magistrate,
Mayiladuthurai.