

**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.731/2026.

Petitioner : M/s. Incred Financial Services Limited,
(Formerly known as Visu Leasing and Finance Private Limited) A Company incorporated under the Provisions of Companies Act, 1956 and having its registered officer at Unit No. 1203, 12th Floor, B Wing, The Capital, Plot No.C-70, G Block, Bandra Kurla Complex, Mumbai, Maharastra – 400 051. Represented by its Authorized Officer Mr. R. Sivamanikandan.

Respondents : 1. M/s. Kalaimahal Educational Trust,
Represented by its Managing Trustee Mr. Nedunchezhian,
Res Sembanar Koil, Tharangambadi Taluk,
Nagapattinam, Sembanarkoil,
Tamil Nadu – 609 309.
Also at :
No.1/51A, Main Road, Res Sembanarkoil,
Tharangambadi Taluk, Nagapattinam,
Sembanar Koil, Tamil Nadu – 609 309.

2. Mr. Muthusamy Senthamilselvi,
Res No.1/168, Main Road, Parasalur,
Sembanar Koil, Nagapattinam,
Tamil Nadu – 609 309.
3. Mr. Nedunchezhian Kanniappan,
Res No.1/168, Main Road, Parasalur,
Sembanar Koil, Nagapattinam,
Tamil Nadu – 609 309.
4. Mr. G. Jayaprakasam,
Res No.1/168, Main Road, Parasalur,
Sembanar Koil, Nagapattinam,
Tamil Nadu – 609 309.
5. M/s Sri Kalaimahal Educational Trust,
Represented by its Managing Trustee Mr. Nedunchezhian,
Res No.1/152, Main Road, Sembanar Koil,
Tharangambadi Taluk, Nagapattinam,
Tamil Nadu – 609 309.
6. Mr. Kudiyarasu N S,
Res No.1/168-2, Main Road, Parasalur,
Sembanar Koil, Nagapattinam,
Tamil Nadu – 609 309.
7. Mrs. Umarani K,
Res No.1/168-1, Main Road, Parasalur,
Sembanar Koil, Nagapattinam,
Tamil Nadu – 609 309.

The Petition was taken on file 18.03.2026 and coming on 29.04.2026 for final hearing before this court in the presence of Mr. R. Ashokkumar 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. R. Sivamanikandan examined and Ex.P.1 to Ex.P.26 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. G. Rajesh (Contact No : 8925179610), 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 02.06.2026 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 Property :

SCHEDULE – A

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.64, Thirukalachery Village in Ayappadi

1. Nanja in S. No.93/1 Measuring 40 cents is bounded on
North : Vaikal.
South : Nanja of Habib Kani.
East : Nanja of Jalal Mohammed
West : Nanja of Hisbullah.
2. Nanja in S. No. 98/1 measuring 58 Cents.
Said properties totally Measuring 98 Cents.

SCHEDULE – B

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Joint – I Sub Registration District, Mayiladuthurai Town, Pattamangalam Village, Subramaniyapuram, 4th Ward, Block No.40, in Old T.S. No.428, New T.S. No.36, Nanja Vacant land measuring 2480 Sq.ft., equal to 230.50 Sq.m in Plot No. 35.

Boundaries :-

North : Plot No.34.
 South : Plot No.36
 East : 2nd Kurunjsalai.
 West : Plot No.38

SCHEDULE – C

ITEM NO.I

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 171/8 measuring 0.03.0 Ares i.e. 300 Sq.Mtr., vacant land.

Boundaries :-

North : Land of G. Jayaprakasam.
 South : Chettikulam Kuttai.
 East : Land of Jamaludeen.
 West : Land of Mohammed Basir.

ITEM NO.II

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 280/2 measuring 0.56.5 Ares in that one part measuring 7189 Sq.ft., 667.88 Sq.Mtr., vacant land.

Boundaries :-

North : Nanja of Sathanur Nithyavinoytheserar Temple.

South : Street.

East : Punja of Kamaludeen Vagaira.

West : Land of Ranjani.

ITEM NO.III

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 280/2 measuring 0.56.5 Ares in that one part measuring 7853 Sq.ft., 729.57 Sq.Mtr., vacant land.

Boundaries :-

North : Nanja of Kanni and Sathanur Nithyavinotheswarar Temple.

South : Street.

East : Land of Ranjani.

West : House of Asokan.

ITEM NO.IV

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 280/2 measuring 0.56.5 Ares in that one part measuring East west on North 31 feet on South 31 feet and North South on east 67.6 feet on West 67 feet measuring 2085 Sq.ft., 193.71 Sq.mtr., vacant land.

Boundaries :-

North : Nanja of Kanni and Sathanur Nithyavinotheswarar Temple.

South : Street.

East : Land of Kudiyarasu.

West : Land of G. Jayaprakasam.

ITEM NO.V

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 280/2 measuring 0.56.5 Ares in that one part measuring 10000 Sq.ft., 929.03 Sq.Mtr., vacant land.

Boundaries :-

North : Land of G. Jayaprakasam.

South : Land of Barakathnisha.

East : Land of Kudiyarasu.

West : House of Asokan.

ITEM NO.VI

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 280/2 measuring 0.56.5 Ares in that one part measuring 10709 Sq.ft., 994.90 Sq.Mtr., vacant land.

Boundaries :-

North : Land of N.S. Kudiyarasu and G. Jayaprakasam.

South : Land of Jamaludeen.

East : Land of Abdul Aleem and Kamaludeen Vagaira.

West : Land of G. Jayaprakasam.

ITEM NO. VII

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Punja in S. No. 171/13 measuring 0.02.0 Ares in that one part measuring 863 Sq.ft., 80.18 Sq.Mtr., vacant land.

Boundaries :-

North : Street.
South : Street.
East : Land of Mani Vagaira.
West : Land of Santhi.

ITEM NO.VIII

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Nanja in Street

1. Natham Jari S. No. 174/15 (Old S.No.174/17) Measuring 72 Sq.,Mtr., land.
2. Natham Jari S. No. 171/19A (Old S.No.174/19) Measuring 61 Sq.,Mtr., land.
3. Natham Jari S. No. 171/19B (Old S.No.174/19) Measuring 3 Sq.,Mtr., land.

And thus totally measuring 136 Sq.,Mtr., vacant land.

Boundaries :-

North : Land of N.S. Kudiyarasu in S. No. 171/13 & 171/17.
South : Eduthukatti Sathanur North Street.
East : House of K. Mani.
West : House of Ameena Natchiya.

ITEM NO. IX

All that piece and parcel of land situated at Nagapattinam District, Mayiladuthurai Registration District, Tharangambadi Sub Registration District, Tharangambadi Taluk, No.63, Eduthukatti Village, in Sathanur North – Street, Nanja in Street

1. Punja S. No. 171/11 Measuring 3230 Sq.,ft., land i.e. 300 Sq., Mtr., land.
2. Punja S. No. 171/12 Measuring 0.03.0 in that one part measuring 1390 Sq.,ft., land i.e 129.14 Sq.Mtr., land.

And thus totally measuring 4620 Sq.,ft., land i.e. 429.14 Sq.,Mtr., vacant land.

Boundaries :-

- North : Land of N.S. Kudiyarasu in S. No. 280/2.
 South : Land of N.S. Kudiyarasu in S. No. 173/13.
 East : Samuthaya Punja.
 West : Land of Ranjani and Jamaludeen.

Petitioner Side witnesses :-

Petitioner Witness No.	Dated of witness	Name of witness	Description
PW.1	29.04.2026	Mr. Sivamanikandan	Petitioner

Petitioner Side Exhibits :-

Exhibit No.	Dated	Description of the Exhibit	Proved by / Attested by
Ex.P1	29.09.2021	Authorization Letter	PW1
Ex.P2	20.11.2017	Loan Application	PW1
Ex.P3	23.12.2017	Sanction Letter	PW1
Ex.P4	30.12.2017	Loan Agreement	PW1
Ex.P5	24.02.2016	Sale Deed as registered as Document No. 136 of 2016 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P6	04.06.2016	Sale Deed as registered as Document No. 443 of 2016 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P7	10.04.2017	Sale Deed as registered as Document No. 233 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P8	18.04.2017	Rectification Deed as registered as Document No. 291 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P9	18.04.2017	Rectification Deed as registered as Document No. 292 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P10	05.07.2017	Sale Deed as registered as Document No. 1038 of 2017 in the office of the Sub Registrar, Mayiladuthurai Joint I.	PW1

Ex.P11	06.04.2016	Sale Deed as registered as Document No. 291 of 2016 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P12	10.04.2017	Sale Deed as registered as Document No. 232 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P13	10.04.2017	Sale Deed as registered as Document No. 234 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P14	06.09.2017	Sale Deed as registered as Document No. 643 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P15	10.04.2017	Sale Deed as registered as Document No. 231 of 2017 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P16	01.01.2018	Memorandum of Deposit of Title Deeds as registered as Document No. 3 of 2018 in the office of the Sub Registrar, Tharangambadi.	PW1
Ex.P17	19.12.2024	Demand Notice u/s. 13(2) of SARFAESI Act along with Postal Receipt and Online Tracking Consignment.	PW1
Ex.P18	20.01.2025	Reply given under Sec 13 (3A) of the SARFAESI Act, 2002.	PW1
Ex.P19	04.02.2025	Reply to Respondent's Reply dated 20.01.2025 against the Demand notice dated	PW1

		19.12.2024 along with Postal receipt	
Ex.P20	12.04.2025	Possession Notice along with Postal Receipts and Online Tracking Consignment.	PW1
Ex.P21	12.04.2025	13(4) Pasting Photos.	PW1
Ex.P22	18.04.2025	Paper Publication of the Sec 13(4) Notice in the Trinity Mirror (English Daily) and “Makkal Kural” (Tamil Daily – Vernacular Language)	PW1
Ex.P23	05.02.2025	Statement of Accounts	PW1
Ex.P24	16.02.2026	Encumbrance Certificate	PW1
Ex.P25	13.08.2018	Incorporation Certificate	PW1
Ex.P26	26.02.2019	Registration Certificate	PW1

Respondents side witnesses :- Nil.

Respondents side Exhibits :- Nil.

Chief Judicial Magistrate,
Mayiladuthurai.