

**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.

Thursday, the 27th day of November, 2025.

Criminal Miscellaneous Petition No.2985/2025.

Petitioner : Indian Overseas Bank,
Rep by its Authorized Officer,
Mr. Srikumar Nair,
No.80A, Pattamangalam Street,
Mayiladuthurai, Nagapattinam District – 609 001.

Respondents : 1. M/s. Angalaparameswari Agencies,
Rep by its prop : Mrs. Akilandeswari,
No:6, Abirami Nagar, Kornad, Mayiladuthurai,
Tamil Nadu – 609 001.

2. Mrs. Akilandeswari, W/o. Muthukumar,
No.2A, Agragarm Street,
Kodakkam Village,
Tharangambadi – 609 001.

3. Mr. B. Muthukumar, S/o. Balasubramaniyan,
No.2A, Agragarm Street,
Kodakkam Village,
Tharangambadi – 609 001.

The Petition was taken on file 14.11.2025 and coming on 24.11.2025 for final hearing before this court in the presence of Mr. M. Bremkumar 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 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. Jayarani, 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 18.12.2025 and file the memo to that effect. For Commissioner report call on 02.01.2026.

Dictated to Steno - Typist, typed by her directly in computer and corrected and pronounced by me in the open court, this the 27th day of November 2025.

Chief Judicial Magistrate,
Mayiladuthurai.

SCHEDULE OF SECURED ASSETS**Description of Property :-**

In Nagapattinam District, Mayiladuthurai Registration District, Mayiladuthurai Joint No.2, Sub-Registry, Tharangambadi Taluk, Kadakkam Revenue Village, Kadakkam Village, Agraharam Street, the terraced building bearing door No.2/219 situate in

Item - 1 :-

R.S. No.133-1 (New R.S. No.259/5) Nathamjari A 0.08 Cents (or) 3488 Sq.ft equal to 324.05 Sq.Mtr.,

Item - 2 :-

R.S. No.142-9 Dry A 0.07 Cents (or) 3052 Sq. ft equal to 283.54 Sq.Mtr.,
Total A 0.15 Cents (or) 6540 Sq.ft Equal to 607.59 Sq.Mtr.,

Item 1 & 2 Boundaries :-

East of Street.

West of Wet Land,

North of Manai of Kannu Padayachi.

South of Manai of Dheenadayalu Nadiu.

Chief Judicial Magistrate,
Mayiladuthurai.