

**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 06th day of February, 2026.

Criminal Miscellaneous Petition No.3065/2025.

Petitioner : M/s. Cholamandalam Investment & Finance Company Limited,
(Formerly known as M/s Cholamandalam DBS Finance Limited)
Rrpresented by its Authorized Signatory Prasanna, 44/2025.

Respondents : 1. Govindaraj, Aged 29 years, S/o. Parthasarathi,
537, Veeramettiruppu, Sirkali – 609 105.

2. Ranganathan Aruna, Aged 23 years,
537, Veeramettiruppu, Sirkali – 609 105.

3. Aruna Agencies Rep. by its Proprietor Govindaraj,
331/4331/SA, Main Road, Achalpuram,
Sirkali – 609 101.

The Petition was taken on file 27.11.2025 and coming on 04.02.2026 for final hearing before this court in the presence of Miss. M. Ratthi 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. Prasanna examined and Ex.P.1 to Ex.P.13 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. T. Archana (Contact No : 94863 63596), 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 27.02.2026 and file the memo to that effect.
For Commissioner report call on 13.03.2026.

Dictated to Steno - Typist, typed by her directly in computer and corrected and pronounced by me in the open court, this the 06th day of February 2026.

Chief Judicial Magistrate,
Mayiladuthurai.

SCHEDULE OF SECURED ASSETS

Description of Property :-

All that piece and parcel of land situated in Mayiladuthurai District, Mayiladuthurai Registration District, Sirkali SRO, Sirkali Town Limit, 49, Kaivilancheri Vattam & Village, S. No.60 (T.S. No.11/2), 61/1A (T.S. No.12/1), 61/1B (T.S. No.12/2), 61/2 (T.S. No.12/3). EMAYAVARAMBAN GARDEN PHASE-I

1. R. Nanja R.S. No.61/2 (T.S. No.12/3) South – North Eastern Side 55 ft., South-north Western side 55 ft., East – West Southern Side 30 ft., East – West Northern side 30 ft., in total 1650 Sq.,ft., (153.29 Sq., mt.,) Plot No.28

Boundaries :-

South of Plot No.39.

North of 23 ft., layout road.

East of Plot No.29.

West of Nagar Park.

2. R. Nanja R.S. No.61/2 (T.S. No.12/3) South – North Eastern Side 55 ft., South-north Western side 55 ft., East – West Southern Side 30 ft., East – West Northern side 30 ft., in total 1650 Sq.,ft., (153.29 Sq., mt.,) Plot No.29

Boundaries :-

South of Plot No.38.

North of 23 ft., layout road.

East of Plot No.30.

West of Plot No.28.

In total of both Survey numbers 3300 Sq., ft., equal vent to 306.58 Sq.,Mt..

Petitioner Side witnesses :-

PW.1 : 04.02.2026 Mr. Prasanna

Petitioner Side Exhibits :-

Ex.P1 : 05.08.2016 Gazette Letter.

Ex.P2 : 25.01.2025 Authorized Officer Letter.

Ex.P3 : 07.05.2024 Loan Application.

Ex.P4 : 28.05.2024 Loan Sanction Letter.

Ex.P5 : 28.05.2024 Loan Agreement along with deed of guarantee executed by 1 & 2 Respondents in favour of the Petitioner.

Ex.P6 : 18.05.2023 Registered sale deed in favour of Aruna executed by Sobhana as Doc No.1824/2023 at SRO, Sirkali.

- Ex.P7 : 27.06.2024 Memorandum of Deposit of Title Deeds executed by Aruna as Document No.2763/2024 in favour of Cholamandalam Investment & Finance Company Limited at SRO, Sirkali.
- Ex.P8 : 18.07.2025 Demand Notice issued under Sec 13 (2) of the SARFAESI Act to the Respondents 13 (2) Notice service Proof Consignment tracking record for the Respondents.
- Ex.P9 : 27.07.2025 Demand Notice Paper Publication Tamil & English.
- Ex.P10 : 27.09.2025 Possession Notice under Sec 13 (4) of SARFAESI Act to the Respondents 13 (4) Notice Service proof Consignment tracking record for the Respondents.
- Ex.P11 : 30.09.2025 Possession Notice Paper Publication Tamil & English .
- Ex.P12 : 17.11.2025 Encumbrance Certificate.
- Ex.P13 : 17.11.2025 Statement of Account.

Chief Judicial Magistrate,
Mayiladuthurai.