IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,NAMAKKAL

Present: Tmt. A.Shanmuga Priya, B.Sc(Agri)., B.L.,
Chief Judicial Magistrate,
Namakkal.

Thursday, the 25th day of June 2026
(திருவள்ளுவராண்டு 2057, பராபவ வருடம் ஆனித் திங்கள் 11 ம் நாள்)

Crl.M.P.No.419/2026
(CNR.No.TNNM02-000296-2026)

Protium Finance Limited
Represented By its Authorized Officer
Mr. M.Velan (Aged 29)
S/o Murugaiyan
Having its Branch Office At:
New No.81.Old No.130,
Sree Teja Tower 4th Floor,
Nelson Manickam Road,
Chennai, Tamil Nadu 600 029 .. Petitioner

/Vs /

1. DHANAPAL SAHANA BROILERS,
   Through its Proprietor, Dhanapal (Aged 41),
   S/o. Palanisamy,
   No. 1/30, Valapadi Main Road,
   Thimmanaickenpatti (PO),
   Namagiripet, Rasipuram,
   Namakkal, Tamil Nadu – 636202.

2. Dhanapal (Aged 41), S/o. Palanisamy,
   No.1/44, Selliyamman Street,
   Thimmanaickenpatti (PO),
   Namagiripet, Rasipuram,
   Namakkal, Tamil Nadu – 636202.

3. Sathya (Aged 31). W/o. Dhanapal,
   No.1/36, Valapadi Main Road,
   Mariyamman Kovil Street,
   Thimmanaickenpatti, Namakkal,
   Tamil Nadu – 636202 … Respondents.

This petition came before me for final hearing on 25.06.2026 in the presence of Thiru.Udhayasankar, Advocate for the petitioner and upon hearing petitioner side arguments, perusing the petition, affidavit and documents and having stood over for consideration till this day, this court delivered the following...

ORDER

This petition has been filed by the petitioner under Section 14 of the SARFAESI ACT 2002.

2. It is submitted that the Respondent No.1 DHANAPAL SAHANA BROILERS, through its Proprietor Dhanapal S/o.Palanisamy, as Borrower, Respondent No.2 Dhanapal S/o.Palanisamy, Respondent No.3 Sathya W/o.Dhanapal, as Co-Borrowers had approached the Petitioner for Secured term loan against the property by application dated 21st July 2023, and the petitioner sanctioned a sum of 25,00,000/- (Rupees Twenty Five Lakh Only) by the sanction Letter dated 30th July 2023, under the loan account no.GS046EEL2102498 and the Respondent No. 1, 2, and 3 had availed the said credit facilities and to secure the facilities, Respondent No. 1, 2, and 3 as the Borrower and the Co- Borrowers had executed the loan documents in favour of the Petitioner (i.e.,) master facility agreement for secured loan dated 31.07.2023 between the petitioner and all the respondents and charge created on all the existing and future receivable / current assets/ movable asset /movable fixed assets/ entire receivable of the respondents and declaration for mortgage dated 13th September 2023 executed by the 2nd Respondent in favour of the petitioner Registered as Document No. 5407/2023 and the 2nd Respondent further executed Memorandum of Deposit of Title Deeds on 13.09.2023 in favour of the Petitioner, confirming the creation of mortgage and the same was registered as Document Number. 5407 / 2023 on the file of the Sub- Registrar Office, Vazhapadi SRO and due to irregular payments, the loan account of the 1st Respondent was classified as Non-Performing Asset (NPA) by the Petitioner on 30.09.2025, as per the Regulations of the Reserve Bank of India and the petitioner has sent a NPA letter to the Respondents and they had initiated measures against the secured Assets under the SARFAESI Act by issuing Demand Notice under Section 13(2) of the SARFAESI Act on 06.11.2025, calling upon the

Respondents to pay their outstanding dues and the said demand notice sent to Respondents through Registered post on 07.11.2025 and even after the receipt of the said Demand notice, none of the Respondents came forward to clear their outstanding dues and the said Demand Notice sent to the Respondents was duly served and the outstanding balance of the said loan as on 14.01.2026 is 24,93,743.06/- (Rupees Twenty Four Lakhs Ninety Three Thousand Seven Hundred Forty Three and Six Paisa Only) and they had initiated measures against the secured Assets under the SARFAESI Act by issuing Possession Notice under Section 13(4) of the SARFAESI Act on 13.01.2026 and the Authorized Officer had taken symbolic possession of the secured asset on 13.01.2026 and the said Possession Notice had also sent to Respondents by registered post on 14.01.2026 and same was duly served and the Possession notice was also duly published in newspaper circulated in the locality of Respondents one in English Daily namely "The Sounth India Times" and in another of Vernacular Tamil Daily namely "Madras Mani" on 15.01.2026 and thereby complying with the statutory requirements under die Security (Interest Enforcement) Rules and the Schedule properties are owned by the Respondent No.2 and the mortgage as stated earlier was created by deposit of Sale deed dated 26.11.2012 bearing Doc. No.4828/2012 and the Settlement Deed dated 27.11.2025 bearing Doc. No.4584/2015 on the file of the Sub-Registrar Office, Vazhapadi and encumbrance certificates and the running statement of accounts maintained by the Petitioner bank during the normal course of business transaction with the Respondents in respect of loan account are filed and in spite of their efforts they are not able to take physical and vacant possession of the secured asset enabling them to bring the same for auction sale and further the Respondents are resisting the act of the Petitioner to take actual possession of the property under the provisions of the Act and it is apprehended that the petitioner would not be able to take peaceful possession of the assets. Hence this petition.

3. **Point:**

Whether this petition is liable to be allowed or not?

4. Heard. On the side of the petitioner, the following documents were marked as Ex.P1 to Ex.P 20.

Sl. No	Date	List of Documents	Remarks
1	07.01.2026	Authorization Letter	True Copy (compared with original)
2	01.06.2022	Certificate of Incorporation	True Copy
3	21.07.2023	Loan Application	True Copy (compared with original)
4	30.07.2023	Sanction letter issued by the Petitioner	True Copy (compared with original)
5	31.07.2023	Master Facility Agreement	True Copy (compared with original)
6	13.09.2023	Memorandum of deposit of title Deeds executed by the 2nd Respondent in favour of the Petitioner, registered as document No. 5407/2023 on the file of the office of Sub Registrar, Vazhapadi	True Copy (compared with original)
7	06.11.2025	Demand notice under section 13 (2) SARFAESI Act along with Postal Receipts	True Copy (compared with original)
8	07.11.2025	Demand Notice Online Tracking Report	Online copy
9	14.01.2026	Foreclosure Letter	True Copy (compared with original)
10	13.01.2026	Possession Notice under Section 13 (4) SARFAESI Act along with Postal Receipts	True Copy (compared with original)
11	14.01.2026	Possession Notice Online Tracking Report	True Copy (compared with original)
12	15.01.2026	Paper publication in English in The South India Times	Original
13	15.01.2026	Paper publication in Tamil daily Madras Mani	Original
14	13.01.2026	Affixation of Symbolic Possession Photo	Photo Copy
15	26.11.2012	Sale deed in favour of the 2nd respondent in Doc.No.4828/2012	True Copy (compared with original)
16	27.11.2015	Settlement Deed in favour of the 2nd respondent Doc.No.4584/2015	True Copy (compared with original)
17	15.01.2026	Statement of Account	True Copy
18	23.01.2026	Encumbrance Certificates for the period	Online copy

		from 01.01.2012 to 22.01.2026	
19	23.02.2024	CERSAI Report	Online Copy
20	27.03.2021	VAO Certificate	True copy

5. The petitioner had produced copy of loan documents, title deeds, notice, postal receipt, Consignment track reports, paper publications, possession notice and established that the schedule mentioned properties were hypothecated and mortgaged and this petition was filed after expiry of 60 days from the date of receipt of notice issued under Sec.13(2) of SARFAESI Act by the respondents and the respondents are not entitled to any further notice under the said act from this court and the petitioner bank is having its Branch office at Chennai and the petition mentioned properties are situated in Salem District, Rasipuram Taluk, Thimmanaickkenpatty Village within the jurisdiction of this court. Sale Deed, Settlement Deed and Encumbrance certificate were also produced by the petitioner to show the title of the 2nd respondent. Necessary affidavit of the authorized officer of the Secured creditor/Petitioner was also filed and he duly affirmed that the provisions of the SARFAESI Act and rules have been complied with. This court has satisfied about the contents of the affidavit filed for the purpose of taking the possession of secured assets. Thus, there is compelling situation arise for the petitioner to realize the loan amount by taking necessary action to take actual possession of the secured asserts for sale or transfer. For the said purpose, it is just and necessary to render assistance to the secured creditor in taking possession of the secured assets and in doing so, the court can appoint a Commissioner for identification of the secured assets and taking possession thereof and if there is any resistance, police assistance can be sought for and take effective steps to have possession of the secured assets taken over.

6. In the decision of Our Hon'ble Apex Court in **Authorised Officer, Indian Bank Vs The Visalakshi and another (Civil Appeal No. 6295 of 2015), dated 23.09.2019.,** it has been held as below:

"This is only a procedural step without any adjudication of any dispute whatsoever. The action is therefore, only an administrative order made for taking

possession of the secured assets, if all other conditions are fulfiled. Having already noted that the powers exercised by the CMM and DM in terms of Section 14 of the 2002 Act are synonymous to each other and that they are not adjudicatory in nature"

"It did notice that the authority referred to in Section 14 of the 2002 Act has no power to adjudicate upon any rights of the parties but can only render assistance to the secured creditor to recover possession "

"The power to be exercised under Section 14 of the 2002 Act by the concerned authority is, by its very nature, nonjudicial or State's coercive power. Furthermore, the borrower or the persons claiming through borrower or for that matter likely to be affected by the proposed action being in possession of the subject property, have statutory remedy under section 17 of the 2002 Act and /or judicial review under Article 226 of the Constitution of India. In that sense, no prejudice is likely to be caused to the borrower/lessess: nor is it possible to suggest that they are rendered remedy less in law. At the same time, the secured creditor who invokes the process under Section 14 of the 2002 Act does not get any advantage muchless added advantage"

"It also noted that the authority after receiving such request under Section 14 of the 2002 Act, was not expected to do any further scrutiny of the matter except to verify from the secured creditor whether notice under Section 13(2) of the Act has already been given or not and whether the secured asset is located within his jurisdiction. There is no adjudication of any kind at this stage. The Court also noticed in paragraph 23 of the reported judgment that after amendment of Section 14 of the 2002 Act, by inserting first proviso therein, the designated authority has to satisfy itself only with regard to the matters mentioned in clauses (i) to (ix) "

7. On considering the above documents filed on the side of petitioner and in view of the principles laid down by our Hon'ble Apex Court it is clear that the provisions of SARFAESI Act has been complied with.

8. Hence, on considering all the above, this court is of the view that an appropriate direction to prepare inventory and to take physical possession of the secured asset shall be passed in favour of the petitioner and hence, this court is inclined to allow this application.

(Description of Property)

Property 1:-

In Salem District, Salem East Registration District, Vazhapadi SRO, Rasipuram Taluk, Thimmanaickkanpatty Village, Patta No.285, old Natham S.No.89 as per sub division Patta No.285. S.No. 89/33, 0.0046.5 square meter in this for an extent of 600 Square feet of lands and other easement rights within the following boundaries of

North to - 6 feet east west common Road and 8 feet north south Road

East to - Ramasamy property

South to -Ramkrishna Chettiyar agricultural property

West to - Ramasamy property

East West North Side 12 .1/2 feet, East West South Side 12. 1/2 feet

North South East Side 48 feet, North South West Side 48 feet

Measuring of 600 Square feet

Totally measuring of 600 Square Feet of land with all the mamool pathway and easement are rights is situated at Thimmanaickkanpatty Village within the limits of Thimmanaickkanpatty Panchayath.

Property 2:-

In Salem District, Salem East Registration District, Vazhapadi SRO, Rasipuram Taluk, Thimmanaickkanpatty Village, Patta No.1565, S.No.48/lCl punjai hectare 0.01.52 an extent of 1660 Square feet of lands and other easement rights within the following boundaries is not mentioned but as per VAO boundary certificate based of boundary.

North to - Murugavel property

East to - Ellappan property

South to - Rajendran property

West to – Road

Measuring of 1660 Square feet

Totally measuring of 1660 Square Feet of land with all the mamool pathway and easement are rights is situated at Thimmanaickkanpatty Village within the limits of Thimmanaickkanpatty Panchayath.

In the result, this application is allowed. Tmt.M.Jaganvalli Advocate (M.S.No.4840/2022) (Mobile No.9789574525) is appointed as an Advocate Commissioner;

1. to inspect the petition mentioned property:
2. to take inventories:
3. to take physical possession and immediately to hand over to the petitioner/secured creditor and
4. If necessary take assistance of Police and Revenue Officials in executing the warrant.
5. The petitioner shall deposit a sum of Rs.20,000/- towards remuneration for Advocate Commissioner into the court within a week and after executing the warrant and filing the report, the Advocate Commissioner can get the said amount by filing necessary application. Report by 09.07.2026.

Dictated directly to the steno-typist, typed by her, corrected and pronounced by me in the open court, on this the 25th day of June 2026.

A SHANMUGAPRIYA

Digitally signed by A SHANMUGAPRIYA
Date: 2026.06.25 19:34:09 +0530

Chief Judicial Magistrate,
Namakkal.