

In the court of the Chief Judicial Magistrate, Madurai.

Present: Thiru.K.Selvapandi, B.A., B.L.,

Chief Judicial Magistrate, Madurai.

Dated 27th day of May 2026

Cr.M.P.No.3199/2026

M/S. FEDBANK FINANCIAL SERVICE LTD

A Company Incorporated Under The Provisions Of

Companies Act, 1956 Having its Registered Office at

Kanakia Wall Street, A Wing , 5t Floor, Unit No.511,

Andherikurla Road (Andheri East) Mumbai, Maharashtra - 400 093.

Rep.by its Authorized officer Santhosh S.

... Petitioner

-Vs-

1. Palanisamy C (Age 59 Years) S/o. Alagammal.

2. Alagammal P, (Age About 56 Years) D/O, Kumurayee.

128/50 Anna Nagar, Coimbatore North,

Kavundampalayam , Near Solakkal

Mariyamman Temple, Tamilnadu-641030.

Also at:-

3-81/NA South Street , Koppilipatti

Tamilnadu-625537.

...Respondents.

Advocate for the Petitioner: Thiru.R.Ashokkumar (9952611005)

1. The Petitioner, M/S. FEDBANK FINANCIAL SERVICE LTD, through its Authorized Officer filed this application U/s.14 of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), Seeking assistance of this court to take possession of Secured Asset.

2. SCHEDULE OF PROPERTY:

1.	Description of the property	In Madurai District, Madurai South Registration District, Usilampatti Sub-Registration District, Usilampatti Union,
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1.1	Ad-measuring area of the plot, as per Title Documet	Usilampatti Taluk, Thimmanatham village, Survey No.270/8 to an extent of 0.44.5 hectare or 1 acre 10 cents in that northern side east portion to an extent of 7 -1/4 cents. The said house site and along with a RCC house building property therein, bearing Door No.193 with Assessment No.1084 within following four boundaries: North : Land belongs to Raja @ Rajangam East : Land belongs to Narayanan and Ochukalai West : Land left for common in east for that western side situated land belongs to Palanisamy South : Land belongs to paraman vagaiyara <u>As per VAO Certificate</u> North : Land belongs to Rajangam East : Land belongs to Narayanan and Ochukalai West : Common Pathway South : Land belongs to Paraman Vagaiyara The above descriptions land in measuring about 7-1/4 cents with house site and along with a RCC house building property therein bearing Door No.193 with Assessment No.1084 with all its fixture and fittings with all its appurtenances. And common rights usual easements and in particular pathway to the said property.
141.2	Land details:	House site and along with RCC house building
1.3	Survey No:	Survey No.270/8
1.4	Nature of property:	House building

3. The petitioner is M/S. FEDBANK FINANCIAL SERVICE LTD, Deponent is the Authorised Officer. He filed an affidavit that the respondents availed loan of Rs.22,70,000/- from petitioner's M/S. FEDBANK FINANCIAL SERVICE LTD, by creating an Equitable Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed dated 26.06.2024. The loan became non performing asset on 05.12.2025. Therefore, the respondents were served with demand Notice. U/s.13(2) SARFAESI Act to repay the Amount within 60 days, failing which the petitioner bank shall be entitled to take all or any of the measures mentioned U/s.13(4) of the Sarfaesi Act. The respondents, however, failed to repay Rs.25,09,994/- as on 20.03.2026. The schedule property does not suffer from and Encumbrance.

4. **In Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019)** Hon'ble High Court of Madras held thus: *“In the considered opinion of this Court, Section 14 of the SARFAESI Act did not contemplate any notice of hearing/objection from the Borrowers and as such there may not be any necessity of affording opportunity of personal hearing to the Borrowers/Petitioners and that apart though it is the claim of the petitioner that the appeal is pending against recovery proceedings, there is no interim order in operation and in the absence of the same, it is always open to the 2nd respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1st respondent” (Para No.6). This is reaffirmed by our Hon'ble Madurai Bench of Madras High Court in Division Bench decision dated 22.12.2021 in M/s.Shanmuganathan Cold Storage Pvt Ltd., - vs- 1. Authorized Officer, Karnataka Bank Ltd and anr.*

5. The CMM or DM Magistrates perform only the ministerial functions under section 14 of SARFAESI Act . Further Sec.14(3) of SARFAESI ACT Says as below:

"No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority"

Section 14 is procedural in nature and merely empowers the CMM or DM to assist the secured creditor in taking possession of the secured assets and it does not cloth them with the power to adjudicate in respect of any dispute pertaining to secured assets. Further Hon'ble Apex Court has observed that there is no adjudication of any kind at this stage and CMM/DM acting U/s.14 of the npa act is not required to give notice either to the borrower or to the third party, through citing various judgments in it's decision in **Standard Chartered Bank -vs- Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97** Therefore, service of any notice to the borrower is not contemplated in Section 14 of the Act. In this context, this court is of a view that Advocate Commissioner can be appointed for taking possession without sending any notices to the respondents.

6. In fine, the petition is allowed and **Advocate V.Thangamuthu Pandi (Roll No.MS.No.4340/2023 Mobile No.9361040251)** is hereby appointed as Commissioner. He is directed to assist the petitioner for taking possession of the secured as set and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate Commissioner can get Station House Officer of Usilampatti, Police Station for Police assistance/protection for taking possession and Break open (if warranted), without approaching this court separately for such purpose. The Commissioner's remuneration is fixed at Rs.20,000/-. The remuneration has to be paid directly by the petitioner.

Dictated directly to the Steno-typist and typed by her in computer and after rectification taken printout and pronounced by me in Open Court on this 27th day of May 2026.

Chief Judicial Magistrate,
Madurai.