

In the Court of the Chief Judicial Magistrate, Pudukkottai.

Present: Thiru.K.S.Paulpandian,B.A.,B.L.,
Chief Judicial Magistrate,
Pudukkottai

Dated 07th day of November 2025

Crl.M.PNo.969/2025

Karnataka Bank Limited,
Asset Recovery Management Branch,
Ground Floor No.324
Thambu Chetty Street,
Chennai 600 001.
Represented by its Authorized Officer
Mr.Harish Dabade

....Petitioner

/Vs/

1. M/s.Ramkumar L P (HUF)
Represented by its Kartha
Mr.Ramkumar P
S/o.LakshmanaNadar

2. Mr.Ramkumar P
S/o.LakshmanaNadar

3.Mrs.Sasiendra R
W/o.Ramkumar P

1,2,3 are residing at :
95A, Thiru-Vi-Ka Nagar,
Ettupatti Bungalow Compound,
Tiruchirapalli 620 017.

4.M/s.Shanmuganathan Cold Storage Private Limited
Represented by its Directors.

1.Mr.Ramkumar P
2.Mrs.Sasiendra R
S.F.208, Pudukkottai Main Road,
Mathur Village,
Kulathur,
Pudukkottai – 622 515.

....Respondents

Advocate for the Petitioner - Siva.Sivajothi

ORDER

The Petitioner, Karnataka Bank Limited through its Authorized Officer Mr.Harish Dabade filed this application U/s.14 (1) & (2) of Securitisation 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. DESCRIPTION OF THE PROPERTY

Item No.1 (Immovable Property)

Pudukkottai District, Kulathur Taluk, Kulathur Sub-Registration, No.41 Mathur Village, Patta No.835, AyanPunja Survey No.209, as per present resurvey, survey No.209/2A1 – Hectare 0.77.5 Acres equivalent Acre 6.54 cents, in which Acre 1.91 cents of lands within the following four boundaries:-

- On North: Sakthi Oil Extract Plant LANDS
- On South: Lands belonging to Shanmuganathan Cold Storage (p) Ltd.,
- On West : Trichy-Pudukkottai Highways,
- On East : Land belonging to Mount DobberSabha

Item No.2 (Immovable Property)

Pudukkottai District, Kulathur Taluk, Kulathur Sub-Registration, Mathur Village, AyanPunja Survey No.208, as per present resurvey Survey No.208/1-Hec.0.30.5 Ares equivalent to Acre 0.75 cents of land within the following four boundaries:-

- On North: Land purchased by PRamkumar in survey No.209/2A1
- On East : Lands purchased by PRamkumar in survey No.209/2A1
- On South: Land belonging to M/s.Overseas Developers,
Thurvarankurichi
- On West : Trichy- Pudukkottai Road,

Within this Acre 0.75 cents of lands, together with all incidental common usual pathway rights, and easement rights relating thereto.

3. The petitioner namely Karnataka Bank Limited , filed this petition through its Authorized officer one Mr.Harish Dabade seeking for appointment of advocate commissioner to take physical possession of the schedule mentioned property and documents relating there to as mentioned in the petition. The 1st Respondent as the borrowers and 2nd, 3rd, 4th Respondents as the guarantors availed credit facilities from the Petitioner Bank under. PSOD A/c. No.7617000600109701 on 04.05.2018 to a tune of Rs.80,00,000/- (Rupees Eighty Lakhs only), Term Loan A/c No.7617001800155001 on 07.04.2016 to a tune of Rs.1,91,00,000/- (Rupees One Crore Ninety Lakhs Only) and Term Loan A/c No.7617001800155101 on 07.04.2016 to a tune of Rs.93,00,000/- (Rupees Ninety Three Lakhs Only). For said Purposes the Respondents have executed all the necessary documents in favour of the petitioner to secure the loan and they have created Mortgage of the immovable property which is more fully described in the schedule (hereunder and henceforth referred to as the Schedule Property) and deposited the title deeds with the Petitioner with an intention to create Mortgage of the said property. As a result of the same, all the three accounts were declared as a Non performing Account on 04.10.2018 as per the RBI guidelines as to the Income Recognition and Prudential Accounting Norms. The Petitioner issued Demand notice under Section13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 08.02.2018 demanding Rs.82,90,704/- in PSOD A/c No.7617000600109701, Rs.1,85,08,590/- Term Loan A/c No.7617001800155001 and Rs.94,71,352 in Term Loan A/c No.7617001800155101 along with interest from 01.02.2019 and 07.05.2018 respectively and other cost, expenses and charges etc., to repay the entire due amount to the Petitioner within 60 days from the date of receipt of the said notice. Despite the said notice, the respondents have failed to repay the amount due even after the expiry of the period of notice. The Petitioner has taken Symbolic possession of the property on 14.06.2019 and same was published in the Leading News Papers on 16.06.2019 and Dinamani (Tamil edition) on 14.06.2019 In spite of the said possession notice under section 13(4) of the SARFAESI Act, the Respondents have failed to repay the amount due to the

Application Bank. Present outstanding liability due to the Bank is Rs.1,05,21,866/- in PSOD A/C.No.7617000600109701, Rs.2,36,19,497/- Term Loan A/c No. 7617001800155001 and Rs.1,19,43,157/- in Term Loan A/c No.761001800155101 along with interest from 01.02.2019 and 07.05.2018 respectively aggregating to a total of **Rs.4,60,84,520/- (Rupees Four Crores Sixty Lakhs Eighty Four Thousand Five Hundred and Twenty Only)** and other cost, expenses and charges etc. It is respectfully submitted that this Hon'ble Court in whose jurisdiction the Schedule Property is situated to take physical possession of the mortgaged property under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and deliver the same to the Petitioner for the necessary of dues from the Respondent under the said Act. In order to take possession as physical the petitioner has come forward to file this petition pleads to take possession through this court.

4. In **Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019)** the Hon'ble High Court of Madras held that: *“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 creditor to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act .*

5. The CMM or District Magistrates perform only the ministerial functions under section 14 of SARFAESI Act and it cannot be called in question in any court or before any authority. Section 14 is procedural in nature and merely empowers the CMM or District Magistrates 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. 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 respondent.

6. In fine, the petition is allowed and **Advocate.G.Jeya Prakash, MS.No.3655/2021** is hereby appointed as Commissioner. He is directed to assist the petitioner for taking

possession of the secured asset and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate Commissioner can get 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.25,000/-. The remuneration has to be deposit before this court within 15 days from the date of order, failing which the petition shall stands dismissed. The commissioner is directed to receive the said remuneration after completion of process and filed the commission report. **Report by 21.11.2025**

Dictated, to the Steno typist, directly and typed by him, corrected by me and pronounced by me in the open court this 07th day of November 2025.

**Chief Judicial Magistrate,
Pudukkottai.**