

TNRM020000602024



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**In the court of the Chief Judicial Magistrate, Ramanathapuram.**

Present: Thiru.C.Mohanram,M.A., B.L.,

Chief Judicial Magistrate, Ramanathapuram.

Dated 07<sup>st</sup> day of March, 2025

**CrI.M.P. No.930/2024**

**CNR No. TNRM02-000060-2024**

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City Union Bank Limited,  
Kumbakonam Main Branch,  
Rep by its Authorised officer

...Petitioner

Vs.

1. M/s M I Ahamed Yasin Education & Charitable Trust  
Represented through its Trustee  
Thiru.Ahamed Yasin,  
No. 729, 6<sup>th</sup> Cross, 7<sup>th</sup> Street,  
Kamaraj Nagar, Kumbakonam-612 002.

2.Thiru.Ahhamed Yasin Ml,  
S/o. Thiru.K.K.O Mohamed Ibrahim,  
No. 26, 2<sup>nd</sup> Cross, Arul Nagar,  
Perumandi, Chennai High Way, Kumbakonam -612 002.  
also at,  
Thiru. Ahamed Yasin Ml,  
S/o. Thiru.K.K.O Mohamed Ibrahim,  
No. 151, 8<sup>th</sup> Cross, Arulandha Nagar, Thanjavur 613 007.

3.Thiru, Anwar Kabir,  
S/o. Thiru. K.K. O Mohamed Ibrahim,  
No 15, Perumandi, Chennai High Way, Kumbakonam 612 002.

4.Thiru.A.Mohamed Hussainm  
S/o.M.Abdul Rahim,  
No. 275, R.V. Nagar,  
5<sup>th</sup> Cross Street, Pudur, Orathanadu Taluk, Thanjavur 613 007.



5.Thiru.Humayin Kabir,  
S/o.thiru.K.K. O Mohamed Ibrahim,  
No.151, 8<sup>th</sup> Cross Street, Arulandha Nagar,  
Thanjavur-613, 007.

6.Tmt.sabeena Begam,  
W/o. Thiru. Ahamed Yasin,  
No. 23, 2<sup>nd</sup> Cross, Arul Nagar,  
Permandi, Kumbakonam, 612 002.

...Respondents

Advocate for the Petitioner : **Mr.P.Madhan alexandar,**

1. The Petitioner, City Union Bank Limited, 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 i.e. the schedule property as mentioned here under.

**SCHEDULE OF MORTGAGED PROPERTY**

{Property belonging to 2nd Respondent)

In Ramanathapuram District, Ramanathapuram Registration District Abiramam Sub Registrar Office. Kamuthi Vattam, Aanaiyur Grou Ponnusamipuram Village.

Item No:1

The Punjai Property extent 41.5 Ares (gold) 1 Acre 3 cents, comprised R.S.No.472/314. boundaries North by Mohamed Mekanudeen Punjai comprising in R.S.No.472/313 South by Peraiyur Group Boundary (Salai) East by Kula Ushain Punjai comprising in R.S.No.472/311.

Item No:2

The Punjai Property extent 35 Ares (or) 86 1/2 cents, comprised R.S.No.472/3E, boundaries North by the Punjai property comprised in R.S.No 511/4 & 513/1B South by the



Punjai property comprised in R.S.No.86/10 Peraiyur Group East by the Punjai property comprised in R.S.No.472/3F1 West by the Punjai property comprised in R.S.No.472/3D.

Item No:3

The Punjai Property extent 92.5 Ares (or) 2 Acre 28 1/2 cents, and including Bore Well, Electric Service Connection No. 349-016-405, 5HP Electric Motor, comprised in R.S.No.511/4. boundaries North by the Punjai property comprised in R.S.Nos.512/2B & 512/3 South by the Punjai property comprised in R.S.Nos.472/3D & 472/3E East by the Punjai property comprised in R.S.Nos.513/1A & 513/1B West by the Punjai property comprised in R.S.No.511/3

In Ramanathapuram District, Ramanathapuram Registration District, Abiramam Sub Registrar Office, Kamuhi Vattam, Anaiyur Group, Aanaiyur Village,

Item No:4

The Punjai Property extent 89.5 Ares (or) 2 Acre 21 cents, comprised in R.S.No.472/3A. boundaries North by the Punjal property comprised in R.S.No.510/2 South by the Punjai property comprised in R.S.No.85/5 & 86/1 in Peraiyur Group East by the Punjai property comprised in R.S.No.472/3B West by the Punjai property comprised in R.S.No.472/2.

Item No:5

The Punjai Property extent 18.5 Ares (or) 46 cents, comprised in R.S.No.514/3B. boundaries North by the Punjai property comprised in R.S.No.514/3 South by the Punjai property comprised in R.S.No.472/3I3 East by the Punjai property comprised in R.S.No.514/4B West by the Purjai propen comprised in R.S.No.514/2

Item No:6

The Punjai Property extent 76.5 Ares (or) 1 Acre 89 cents, comprised in R.S.No.472/3F2. boundaries North by the Punjai property comprised in R.S.Nos.513/1C & 513/2 South by the Punjai property comprised in R.S.Nos.88/1 & 89/1 in Peraiyur Group

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East by the Punjai property comprised in R.S.No.472/3G West by the Punjai property comprised in R.S.No.472/3F1

Item No:7

The Punjai Property extent 2 Hectare 95.5 Ares (or) 7 Acre 30 cents, comprised in R.S.No.472/1C. boundaries North by the Punjai property comprised in R.S.Nos.472/1A2 & 472/1A3 South by Peraiyur Group Boundary East by the Punjai property comprised in R.S.No.472/2 West by the Punjai property comprised in R.S.No.272/1B

Item No:8

The Punjai Property extent 62.5 Ares (or) 1 Acre 54 1/2 cents, comprised in R.S.No.472/3C. Boundaries North by the Punjai property comprised in R.S.Nos.511/2 South by Peraiyur Group Boundary East by the Punjai property comprised in R.S.No.472/3D West by the Punjai property comprised in R.S.No.472/3B

Item No:9

The Punjai Property extent 5.5 Ares (or) 13 1/2 cents, comprised in R.S.No.472/312. Boundaries North by the Punjai property comprised in R.S.No.514/2 South by the Punjai property comprised in R.S.No.472/311 East by the Punjai property comprised in R.S.No.472/313 West by the Punjai property comprised in R.S.No.472/311.

Item No:10

The Punjai extent 57.5 Ares (or) | Acre 42 cents, comprised in R.S.No.472/3L11. Boundaries North by the Punjai property comprised in R.S.No.514/6 South by the Punjai property comprised in R.S.No.472/3L13 East by the Punjai property comprised in R.S.Nos.472/3L9 & 472/3L10 West by the Punjai property comprised in R.S.No.472/3L12

Item No: 11

The Punjai Property extent 1 Hectare 71.5 Ares (or) 4 Acre 23 1/2 cents, comprised in R.S.No.511/2. Boundaries North by the Punjal property comprised in R.S.Nos.512/2A &

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512/2B South by the Punjai property comprised in R.S.No.472/3B East by the Punjai property comprised in R.S.No.511/3 West by the Punjai property comprised in R.S.No.511/1

Item No:12

The Punjai Property extent 66.5 Ares (or) 1 Acre 64 cents, comprised in R.S.No.514/2. Boundaries North by the Punjai property comprised in R.S.Nos.200/2 South by the Punjai property comprised in R.S.No.472/311 East by the Punjai property comprised in R.S.No.514/3A & 514/3B West by the Punjai property comprised in R.S.No.514/1

In Ramanathapuram District. Ramanathapuram Registration District, Muthukulathur Sub Registrar Office, Kamuthi Vattam, Aanaiyur Group Ponnusamipuram Village.

Item No:13

The Punjai Property extent 38.5 Ares (or) 95 1/2 cents, comprised in R.S.No.472/3D. Boundaries North by the Punjai property comprised in R.S.Nos.511/4 South by the Punjai property comprised in R.S.No.86/10 in Peraiyur Group East by the Punjai property comprised in R.S.No.472/3E West by the Punjai property comprised in R.S.No.472/3C

Item No:14

The Punjai Property extent 835 Ares (or) 2 Acre 6 cents, comprised in R.S.No.472/3F1. Boundaries North by one Panjai property comprised in R.S.Nos 513/1B & 513/C South by the Punjai property comprised in R.S.No.88/1 in Peraiyur Group East by the Punjai property comprised in R.S.No.472/3F2 West by the Punjai property comprised in R.S.No.472/3E

Item No:15

The Punjai Property extent 39.5 Ares (or) 97 1/2 cents, comprised in R.S.No.472/3I1. Boundaries North by the Punjai property comprised in R.S.Nos.514/1 & 514/2 South by the Punjai property comprised in R.S.Nos.86/3A & 86/3B2 Peraiyur Group East by the Punjai property comprised in R.S.No.472/3I4 West by the Punjai property comprised in R.S.No.472/3H



Item No:16

The Punjai Property extent 1.5 Ares (or) 4 cents, comprised in R.S.No.472/3J1. Boundaries North by the Punjai property comprised in R.S.Nos. 514/4B & 514/5A South by the Punjai property comprised in R.S.No.472/3J3 East by the Punjai property comprised in R.S.No.472/3J2 West by the Punjai property comprised in R.S.No.472/3I2

Item No:17

The Punjai Property extent 88.5 Ares (or) 2 Acre 18 1/2 cents, comprised in R.S.No.513/1B. Boundaries North by the Punjai property comprised in R.S.No.513/1A South by the Punjai property comprised in R.S.Nos.472/3E & 412/3F1 East by the Punjai property comprised in R.S.No.513/1C West by The Punjai property comprised in R.S.No.511/4

Item No:18

The Punjai Property extent 58 Ares (or) 1 Acre 43 cents, comprised in R.S.No.514/5A. Boundaries North by the Punjai property comprised in R.S.No.200 South by the Punjai property comprised in R.S.No.472/3K1 East by the Punjai property comprised in R.S.No.514/5B West by the Punjai property comprised in R.S.No.514/4B

In Ramanathapuram District, Ramanathapuram Registration District, Muthukulathur Sub Registrar Office, Kamuthi Taluk, Peraiyur Village.

Item No:19

The Punjai Property extent 36.5 Ares (or) 90 cents, comprised in R.S.No. 76/7. Boundaries East of the Punjai property comprised in R.S.No. 76/11 South of the Punjai property comprised in R.S.Nos. 76/8 & 76/9 West of the Punjai property comprised in R.S.Nos.76/1 & 76/6 North of the Punjai property comprised in R.S.Nos. 78/7 & 78/8.

Item No:20

The Punjai Property extent 37 Ares (or) 91 cents, comprised in R.S.No.88/3, Boundaries East of the Punjai property comprised in R.S.No.88/5 South of the Punjai

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property comprised in R.S.No.88/4 West of the Punjai property comprised in R.S.No.87/14 North of the Punjai property comprised in R.S.No.88/2

Item No:21

The Punjai Property extent 29.5 Ares (or) 73 cents, comprised in R.S.No.87/1 Boundaries North of the Punjai property comprised in R.S.Nos. 86/8, 86/9 & 86/10 South of the Pumice property comprised in R.S.No.87/2 East of the Punjai property comprised in R.S.No.88/2 West of the Punjai property comprised in R.S.No.86/5

In Ramanathapuram District, Ramanathapuram Registration District, Mudhukulathur Sub Registrar Office, Peraiyur Group, Peraiyur Village

Item No: 1

The Punjai Property extent 41.5 Ares, comprised in R.S.No.88/4 Boundaries East of Pandiyammal. Muthusamy Punjai Property South of Abdul Rasak Vagayara Punjai Property West of Abdul Raheem Punjai Property North of Periyamayagam Punjai Property

Item No:2

The Punjai Property extends 48.5 acres, comprised in R.S.No.102/2 The boundaries of the Eastern Property of Abdul Ajees, Kadhar Muhaideen and Rahima Beevi Punjai Property South of Gurusamy Aasari Vagayara Punjab West of Abdul Rasak, Mohamed Sherif and Mympon Property North of Ummasalika Beevi Punjai Property

Item No:3

The Punjai Property extent 61.5 acres, comprised in R.S.No.90/7 Boundaries East of Abdul Rasak Punjai Property South of Jabarulla and five others Punjai Property West of Kanmai North of Eruli Punjai Property

Item No:4

The Punjai Property extent 32 Ares, comprised in R.S.No.87/2. Boundaries East of K.Fathimal Beert Punjai Property South of K.Sabiya Beevi Vagayara and Abdul Raheem

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Punjai Property West of A.Karuppan Punjai Property North of M. Mariyam and K.Banu  
Punjai Property

Item No:5

The Punjai Property extent 42.5 acres, comprised in R.S.No.101/2B. Punja Property is located in the heart of Kannaiya Aasari Vagayara Punja Property South of Kanmai West of C.Natarajan Nadar Punjai Property North of Kamardeen and 3 other Punja Property.

Item No:6

The Punjabi Property Extent 1 7 Hectares Ares, comprised in R.S.No.88/2 Eastern Boundaries of Dharmalingam and Pandiammal Vagayara Punjai Property South of Periyamayagam Punjai Property West of Mariyam Vagayar Punjai Property North of Palraj Punjai Property

Item No:7

The Punjai Property extent 48 Ares, comprised in R.S.No.87/4. Boundaries East of Periyamayagam and Eruli Punjai Property South of Abdul Salam, Abdul Rasak Punja Property West of Sabiya Beevi Punjai Property North of Muthusamy Punjai Property

Item No:8

The Punjai Property extent 42.5 Ares, comprised in R.S.No.101/2A. Boundaries East of Dheen, Chinnaiya Aasari Punjai Property South of Peraiyur Kanmai West of Ummasalika Beer Panjai Property North of Dheen Punjai Property

Item No:9

The Punjai Property extent 65.5 Ares, comprised in R.S.No.90/8.

Item No:10

The Punjai Property extent 57 Ares, comprised in R.S.No.90/9. Boundaries North of S.Mohamed Haneeba, M.Mohamed Hussain Vagayara, A.Pandiammal, M.Muthusami Vagayara Punjai Property South of A.Jabarulla Vagayara Punjai Property East of R.Pandi

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Vellalar, A.Nagur Kani Vagayara Punjai Property West of Abdul Salam, M.Habeeb Mohamed Vagayara Punjai Property

Item No:11

The Punjai Property extent 39.5 Ares, comprised in R.S.No.78/7 Boundaries East of Gurusamy Nadar & Others Dry Land South of Aumukathammal Dry Land West of Arumugam & others M.Sathan Dry Land North of Aanaiyur Village Boundary Dry Land

Item No:12

The Punjai Property extent 53 Ares, comprised in R.S.No. 78/9 Boundaries East of Mohamed Sheriff & Others Dry Land South of Makkinudeen Dry Land West of Gurusamy Nadar & others Dry Land North of Aanaiyur Village Boundary Dry Land

Item No:13

The Punjai Property extent 1 te 9 Ares, comprised in R.S.No.79/1 Boundaries East of Chelladurai & Others Dry Land South of Gurusamy Nadar Dry Land West of Mohamed Sheriff & others Dry Land North of Aanaiyur Village Boundary Dry Land

In Ramanathapuram District, Ramanathapuram Registration District, Kamudi Vattam, Abiramam Sub Registrar Office, Aanaiyur Group, Aanaiyur Village.

Item No:14

The Punjai Property extent 3 Hee 30.5 Ares (or) 8 Acre 16 cents, comprised in R.S.No.472/1B. Boundaries North by The Punjai Property comprised in R.S.No.472/1A3 South by Periyur Group Boundary East by the Punjai Property comprised in R.S.No.472/2 West by The Punjai Propen comprised in R.S.No.272/IA

Item No:15

The Punjai Property extent 1 Hec 4 Ares (or) 2 Acre 57 cents, comprised in R.S.No.472/3B. Boundaries North by The Punjai Property comprised in R.S.No.511/1 South by Periyur Group Boundary East by the Punjai Property comprised in R.S.No.472/3C West by the Punjai Property comprised in R.S.No.472/3A



Item No:16

The Punjai Property extent | Hec 76 Ares (or) 4 Acre 35 cents, comprised in R.S.No.511/1. Boundaries North by the Punjai Property comprised in R.S.No.512/1 South by The Punjai Property comprised in R.S.No.472/3B East by The Punjai Property comprised in B.S.No.511/2 West by The Punjai Property comprised in R.S.No.509/7 & 510/2

Item No:17

The Punjai Property extent 44 Ares (or) 1 Acre 8 1/2 cents, comprised in R.S.No.472/3J3.

Item No:18

The Punjai Property extent 1 Ares (or) 2 1/2 cents, comprised in R.S.No.472/3J4. Boundaries North by The Punjai Property comprised in R.S.No.514/5A South by The Punjai Property comprised in R.S.No.472/3J3 East by The Punjai Property comprised in R.S.No.472/3K1 West by The Punjai Property comprised in R.S.No.472/3I3

Item No:19

The Punjai Property extent 1.5 Ares (or) 3 3/4 cents, comprised in R.S.No.472/3I3. Boundaries North by The Punjai Property comprised in R.S.No.514/3B South by The Punjai Property comprised in R.S.No.514/3I1 East by The Punjai Property comprised in R.S.No.514/3J1 West by The Punjai Property comprised in R.S.No.514/3I2

Item No:20

The Punjai Property extent 1 Ares (or) 2 1/2 cents, comprised in R.S.No.472/3K1. Boundaries North by The Punjai Property comprised in R.S.No.514/5A South by The Punjai Property comprised in R.S.No.514/3K2 East by The Punjai Property comprised in R.S.No.514/3L12 West by The Punjai Property comprised in R.S.No.514/3I3

Item No:21

The Punjai Property extent 39.5 Ares (or) 97 1/2 cents, comprised in R.S.No.472/3L10. Boundaries North by The Punjai Property comprised in R.S.No.472/3L9

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South by The Punjai Property comprised in R.S.No.472/3L13 East by The Punjai Property comprised in R.S.No.202/1B, 202/2A & 202/3 West by The Punjai Property comprised in R.S.No.472/3L11

Item No:22

The Punjai Property extent 11.5 Ares (or) 28 1/2 cents, comprised in R.S.No.514/4B. Boundaries North by The Punjai Property comprised in R.S.No.514/4A South by The Punjai Property comprised in R.S.No.472/3J1 East by The Punjai Property comprised in R.S.No.514/5A West by The Punjai Property comprised in R.S.No.514/3B

Item No:23

The Punjai Property extent 70 Ares (or) 1 Acre 73 cents comprised in R.S.No.512/2B. Boundaries North by The Punjai Property comprised in R.S.No.507 South by The Punjai Property comprised in R.S.No. 509/7, 511/1 East by The Punjai Property comprised in R.S.No.512/2A West by The Punjai Property comprised in R.S.No. 512/1

Item No:24

The Punjai Property extent 23.5 Ares (or) 58 cents, comprised in R.S.No.472/3L9. Boundaries North by The Punjai Property comprised in R.S.No.514/7 South by The Punjai Property in R.S.No.472/3L10 East by The Punjai Property comprised in R.S.No.472/3L8 West by The Punjai Property comprised in R.S.No. 472/3L11

Item No:25

The Punjai Property extent 54.5 Ares (or) 1 Acre 34 1/2 cents, comprised in R.S.No.512/2A. Boundaries North, by The Punjai Property comprised in R.S.No.507 South by The Punjai Property comprised in R.S.No.511/2 East by The Punjai Property comprised in R.S.No.512/1 West by The Punjai Property comprised in R.S.No.512/2B

Item No:26

The Punjai Property extent 57 Ares (or) 1 Acre 41 cents, comprised in R.S.No.472/3G. Boundaries North by The Punjai Property comprised in R.S.No.513/3



South by The Punjai Property comprised in R.S.No.88/1, 2 East by The Punjai Property comprised in R.S.No.472/3H West by The Punjai Property comprised in R.S.No.472/3F2

Item No:27

The Punjai Property extent 12.5 Ares (or) 31 cents, comprised in R.S.No.472/31.4. Boundaries North by The Punjai Property comprised in R.S.No.472/3L3 South by The Punjai Property comprised in R.S.No.472/3L8 East by The Punjai Property comprised in R.S.No.472/3L5 West by The Punjai Property comprised in R.S.No.514/7

Item No:28

The Punjai Property extent 76 Ares (or) 1 Acre 87 cents, comprised in R.S.No.509/6. Boundaries North by The Punjai Property comprised in R.S.No.508/2 South by The Punjai Property comprised in R.S.No.510/1,2 East by The Punjai Property comprised in R.S.No.509/7 West by The Punjai Property comprised in R.S.No.509/5C

Item No:29

The Punjai Property extent 16.5 Ares (or) 41 cents, comprised in R.S.No.512/5. Boundaries North by The Punjai Property comprised in R.S.No.200/1 South by The Punjai Property comprised in R.S.No.513/2 East by The Punjai Property comprised in R.S.No.200/1 West by The Punjai Property comprised in R.S.No.512/4B

Item No:30

The Punjai Property extent 37.5 Ares (or) 93 cents, comprised in R.S.No.514/6. Boundaries North by The Punjai Property comprised in R.S.No.200/2 South by The Punjai Property comprised in R.S.No.472/3L11 East by The Punjai Property comprised in R.S.No.514/7 West by The Punjai Property comprised in R.S.No.514/5B

Item No:31

Punjai Property extent 52.5 Ares (or) 1 Acre 30 cents, comprised in R.S.No.472/3L12. Boundaries North by The Punjai Property comprised in R.S.No.514/5A

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South by Peraiyur Group Boundary East by The Punjai Property comprised in R.S.No.472/3K2 West by The Punjai Property comprised in R.S.No.472/3L11

Item No:32

The Punjabi Property Extent | Hec 41.5 Ares (or) 3 Acres 49 cents, comprised in old R.S.No. 200/1 Boundaries West of Kamudi to Mudukulathur Road North of ML Ahmed Yasin Educational and Charitable Trust Property East of Unmathul Muneer and Sariba Beevi Property South of Palraj and Madhavan Property

Item No:33

The Punjai Property extent 1 Hec 41.5 Ares (gold) 3 Acres 49 cents. comprised in old R.S.No.200 and new R.S.No. 200/2 The West Boundaries of Kamudi to Mudukulathur Road North of Joesph Rahamathulla, Mohammed Makkinudeen Property and Ponnusamipuram Village Boundary East ofUmmathul Muneer and Sariba Beevi Property South of M.L.Ahamed Yasin Educational and Charitable Trust Property

Item No:34

The Punjai Property extent 28.5 Ares (or) 70 1/2 cents, comprised in R.S.No.472/3H Boundaries North by The Punjai Property comprised in R.S.No.514/1 South by Peraiyur Group Boundary East by The Punjai Property comprised in R.S.No.472/3G West by The Punjai Property comprised in R.S.No.272/3113 Total extent 21 Hectare 67.5 Ares (or) 53 Acres 54 cents.

In Ramanathapuram District, Ramanathapuram Registration District, and Abiramam Sub Registrar Office, Kamudi Vattam, Aanaiyur Group, Ponnusamipuram Village.

1. The Punjai Property extent 74 Ares (or) 1 Acre 83 cents, comprised in R.S.No.511/3. Boundaries North by The Punjai property comprised in R.S.No.512/2A, 512/2B South by The Punjai property comprised in R.S. No.472/3C East by The Punjai comprised in R.S.No.511/4 West by The Punjai comprised in R.S.No.511/2



In Ramanathapuram District, Ramanathapuram Registration District, Abiramam Sub Registrar Office, Kamudi Vattam, Aanaiyur Village

2. The Punjai Property extent 39 Ares (or) 96 cents, comprised in R.S.No.472/3K2. Boundaries North by The Punjai property comprised in R.S. No. 472/3K1 South by Peraiyur Village Boundary East by The Punjai property comprised in R.S. No.472/313 West by The Punjai property comprised in RS No.472/3C12

3. The Punjai Property extent | Hectare 35 Ares (or) 3 acre 33 1/2 cents. comprised in R.S.No.510/2. Boundaries North by The Punjai property comprised in R.S. No. 509/9&509/7 South by The Punjai property comprised in R.S. No. 472/2 East by The Punjai property comprised in R.S. No.510/1 West by The Punjai property comprised in R.S. No. 511/1

4. The Punjai Property extent 85 Ares (or) 94 cents, comprised in R.S.No.513/3, Boundaries North by The Punjai property comprised in RS. No.512/5 South by The Punjai property comprised in R.S. No.472/3G East by The Punjai property comprised in K. No.513/2 West by The Punjai property comprised in R.S. No.514/1

In Ramanathapuram District, Ramanathapuram Registration District. Abiramam Sub Registrar Office, Kamudi Vattam, Aanaiyur Group, Ponnusamipuram Village

5. The Punjai Property extent 78 Ares (or) 1 acre 93 cents, comprised in R.S.No.514/1. Boundaries North by The Punjai property comprised in R.S. No.200 South by The Punjai property comprised in R.S. No.472/3 H&472/2/3-1-1 East by The Punjai property comprised R.S. No.514/2 West by The Punjai property comprised in R.S. No.5136

6. The Punjai Property extent 20 Ares (or) 50 cents, comprised in R.S.No.514/3A. 7. The Punjai Property extent 15.5 Ares (or) 38 cents, comprised in R.S.No.514/4A. Boundaries (for Item no. 6 & 7) North by The Punjai property comprised in R.S. No. 200 South by The Punjai property comprised in R.S. No. 514/3B & 514/4B East by The Punjai property comprised in R.S. No. 514/5A West by The Punjai property comprised in R.S. No. 514/2 Total extent 3.99.5 ares (or) 9 acre 87 1/2 cents.



3. The petitioner is the City Union Bank Limited, Deponent is the Authorized Officer. He filed an affidavit stating that the respondents have availed loan of Rs.21,55,00,000/- from petitioner's Bank by creating an Equitable Mortgage. The 2<sup>nd</sup> respondent had also executed Registered Memorandum of Deposit of Title Deeds. The loan became **non performing asset on 29.03.2021**. Therefore, the respondents were served with **demand Notice dated 20.10.2022** U/s.13(2) SARFAESI Act to repay the Amount within 60 days. As per loan agreement, if the respondents failed to make payment, the petitioner's Bank shall be entitled to take all or any of the measures mentioned U/s.13(4) of the Sarfaesi Act. The petitioner's bank issued a **possession notice dated.26.05.2023** which was duly served upon the respondents. The said notice was also published in daily Newspaper as per the SARFAESI Act. The respondents never taken any steps to repay the loan amounts and thus the respondents become a defaulter and now the respondents having the present outstanding towards the loans in connection with secured property. The schedule property does not suffer from any Encumbrance. Upon perusal of documents marked as **Ex.P1 to P18**, the Petitioner's finance company has followed all the procedures contemplated under the Sarfaesi Act . So, the Petitioner's finance company is entitled to get all the reliefs as prayed for.

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 2<sup>nd</sup> respondent to proceed further in accordance with law while dealing with the application filed under Section 14 of the SARFAESI Act by the 1<sup>st</sup>*



*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 Ld 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 SARFAESI 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 Tmt.Deepika** is hereby appointed as Commissioner. She is directed to assist the petitioner for taking possession of the secured assest and to file a report to this effect within a month. At the time of taking possession, if necessary, Advocate Commissioner can seek the assistance of Station House Officer of concerned Police Station where the schedule mentioned property is situate 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.50,000/-**. The remuneration has to be deposited in to court on or before **25.03.2025** and on deposit issue the warrant to the commissioner Call on **25.03.2025**.

**TNRM020000602024**



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Dictated directly to the typist and typed by her in computer and after rectification taken printout and pronounced by me in Open Court on this 07<sup>th</sup> day of March 2025.

Chief Judicial Magistrate,  
Ramanathapuram.

TNRM020000602024



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Chief Judicial Magistrate Court,

Ramanathapuram.

Cr1.M.P.No.930/2024

Order

Dated:07.03.2025