

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

Present: Thiru.J.Jeya Suthahar,M.Sc.,L.L.M.,

Chief Judicial Magistrate, Ramanathapuram.

Tuesday the 19th day of May, 2026**CrI.M.P. No.126/2026****CNR No.TNRM020056782025**

Aadhar Housing Finance Limited,
Through its Authorized Officer,
Mr.Ramesh,
Annachi Building, Plot No.31,
2nd floor, Soundharajan Street,
T.Nagar, Chennai – 600 017.

...Petitioner

//Vs//

1.Mr.Suresh (Borrower),
S/o. Chellam,
No.1/10, Kadambakudi,
Thinaiyathu post,
Thiruvadanai Taluk,
Ramanathapuram District.

2.Mrs.Valli (Co-Borrower),
W/o. Chellam.

-do-

...Respondents

This petition came before me for final hearing on 17.04.2026 in the presence of Mr.P.Ondiyappan, Learned counsel for the petitioner and upon hearing the petitioner side arguments and upon perusal of the sworn affidavit, petition and the documents filed by the petitioner and having stood over for consideration till this day, this court doth delivers the following :



ORDER

This petition is filed by the petitioner finance Co' seeking assistance of this court under Section 14 (1) of the Securitization And Reconstruction of Financial Assets And Enforcement of Security Interest Act 2002 (hereinafter referred to as "SARFAESI Act"), to take physical possession of the petition mentioned property.

2. The averments in the petition in brief:

The petitioner is a housing finance company incorporated under the Companies Act 1956 and a banking company regulated by the Banking Regulation Act. The respondents approached the petitioner bank for housing loan to the extent of Rs.13,51,330/- (Rupees Thirteen Lakhs Fifty One Thousand Three Hundred Thirty Only). The respondents applied for loan in Karaikudi branch by submitting loan application on 12.04.2022. The petitioner bank sanctioned the loan by offer letter dated 28.04.2022, under A/C No. 28510000060. The 1st respondent availed the loan against the property by entering into a loan agreement. The 2nd respondent availed the loan by mortgaging the property by producing the sale deed. The respondents accepted all the terms and conditions of the said facility and executed loan documents including memorandum of deposit of title deed in respect of the petition schedule property and created equitable mortgage. Having availed the financial assistance as stated above, the respondents failed to repay the loan and became chronic defaulter and the said loan account was classified as Non Performing Asset on 11.05.2025. The petitioner issued a Demand Notice dated



12.05.2025 to the respondents as contemplated under the Sec.13(2) of the SARFAESI Act 2002, calling upon them to make payment of an amount of Rs.14,22,947.00/- (Rupees Fourteen Lakhs Twenty Two Thousand Nine Hundred Forty Seven Only) and it was duly served upon the respondents. The demand notice was also published in the The New Indian Express Daily and Trinity Mirror Tamil New papers (Thinamani) on 05.06.2025. The petitioner took symbolic possession of the mortgaged property and issued possession notice dated 20.08.2025 under Section 13(4) of the SARFAESI Act 2002. The possession notice was also published in the The New Indian Express English Daily and Trinity Mirror Tamil New Papers (Thinamani) on 21.08.2025. The said possession notice was duly served thereby cautioned the borrowers, guarantors and public in general not to deal with the schedule property. As per the account of statement a sum of Rs.15,92,006.26/- is pending as on 14.11.2025. The petitioner declares that there is no agriculture land and no stay or injunction granted by any court or Tribunal or High Court for taking physical possession of the secured assets under the provisions of the SARFAESI Act 2002. There shall be chaos and confusion while taking possession of the secured asset described in the petition. Hence this petition is filed.

3. The sworn statement of the authorized officer of the petitioner bank was recorded and Ex.P1 to Ex.P14 documents were marked.



4. Heard the learned counsel for the petitioner and perused the petition, sworn affidavit and the documents filed by the petitioner.

5. The point for decision is whether the petitioner is entitled for the assistance of this court in taking physical possession of the petition mentioned property under Section 14 of the SARFAESI Act as prayed for?

6. It is now settled that notice need not be issued to the respondents from this court after entertaining the petition U/s 14 of the SARFAESI Act. From the perusal of the petition averments, sworn affidavit of PW1 and the documents filed by the petitioner bank, it is seen that the respondents availed loan from the petitioner bank and the 1st respondent created equitable mortgage in respect of the schedule property belonging to him. Further it is seen that the respondents did not come forward to repay the loan amount as agreed and even after issuance of statutory notice U/s 13(2) of the Act the respondents did not settle the amount.

7. From the affirmation of the authorized officer of the petitioner on oath and on perusal of the documents exhibited on the side of the petitioner, this court is satisfied that the petitioner has properly complied with the conditions precedent for invoking the provision under Section 14 of the SARFAESI Act. Through the affidavit filed by the authorized signatory and through the exhibits marked on their side, the petitioner has satisfactorily established the default on the part of the respondents in repayment of the loan amount; the loan amount is not barred by



limitation; the schedule property was offered as security for the loan amount and; the schedule property is located within the jurisdiction of this court.

8. Hence considering the above facts and circumstances of this case, this court is of the view that the petition deserves to be allowed.

9. In the result, this petition is allowed and (**Selvi.B.Sujitha, MS No.4436/2025**) is appointed as Advocate/ Commissioner for the purpose to assist the petitioner in taking possession of the petition mentioned property after taking inventory if necessary and to hand over the same to the petitioner as per the provisions of SARFAESI Act. If necessary, the Advocate/Commissioner may get required police protection by submitting requisition in writing to the concerned police station house officer by stating reason for the same. The Advocate/Commissioner shall execute the warrant without causing any physical harm to any person. The Commissioner's remuneration is fixed at **Rs.20,000/-** and the same has to be deposited by the petitioner into the account of this court in two weeks. On such deposit issue the warrant to the commissioner. After executing the warrant and filing the report the commissioner is entitled to get the remuneration from this court by filing separate E-transfer application. For Commissioner's report Call on **19.06.2026**.

Chief Judicial Magistrate,
Ramanathapuram.



SCHEDULE OF PROPERTY

In Karaikudi Registration District, Thiruvadanai Sub Registrar Office, Thiruvadanai Taluk, Thiruvadanai Union, Achangudi Panchayat Kadambakudi group, Thiruvadanai Devasthanam Kadambakudi Villages,

Surveyed as S.No.69/6 now Sub Divided as New S.No.69/6B Punjai with an extent of 4360 Sq.ft within the four boundaries

Four Boundaries :

North : Veludevar punjai

South : South – North 10 feet wide East – West common pathway

Connecting via Kiliyur Road

East : Lakshmi Punjai

West : Marungappallam Manimaran Punjai

Petitioner side Documents :

Ex.P.1	26.03.2026	Letter of authority	True Copy
Ex.P.2	12.04.2022	Loan Application	True Copy
Ex.P.3	28.04.2022	Sanction Letter	True Copy
Ex.P.4	28.04.2022	Loan agreement	True Copy
Ex.P.5	26.10.2025	Sale deed in favour of the 2 nd respondent	True Copy
Ex.P.6	05.05.2022	Memorandum of Deposit of Title Deed executed by the 2 nd respondent in favour of the petitioner	True Copy
Ex.P.7	12.05.2025	Demand Notice issued by the petitioner bank to the respondents	True Copy
Ex.P.8	--	Online postal tracking consignment	True Copy
Ex.P.9	05.06.2025	Demand notice published in English & Tamil Daily News paper	True Copy
Ex.P.10	20.08.2025	Possession notice issued by the petitioner to the respondents	True Copy
Ex.P.11	--	Online postal tracking consignment	True Copy



Ex.P.12	21.08.2025	Possession notice published in English & Tamil Daily News paper	True Copy
Ex.P.13	24.11.2025	Encumbrance Certificate	Online Copy
Ex.P.14	--	Statement of Account	True Copy

Chief Judicial Magistrate,
Ramanathapuram.



Chief Judicial Magistrate Court,
Ramanathapuram.
Crl.M.P.No.126/2026
Order
Date : 19.05.2026