

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, RANIPET**

**Present: Tmt.A.DAOU DH AMMAL, B.A., M.L.,  
Chief Judicial Magistrate, Ranipet**

Saturday, the 7<sup>th</sup> day of February, 2026

**Criminal Miscellaneous Petition No.249/2025  
(CNR No.TNRP02-000122-2025)**

M/s. Hero Housing Finance Ltd

A Company incorporated under the Provisions of  
Companies Act, 2013 and having its Registered Office  
at M/s.Hero Housing Finance Ltd

No.9, Community Centre, Basant Lok, Vasant Vihar,  
New Delhi – 110057.

Branch Office at 1<sup>st</sup> floor, Plot No.136, 137, Gandhi Nagar  
Chettiyur Agaram, Karappakam, Chennai – 600 116.

Represented by its Authorized Officer Mr.A.Muthukumar

*(Authorized officer name substituted as per the order in Crl.M.P.No.26/2026 dated  
28.01.2026)* ... Petitioner

-Vs-

1. Mr.Ravichandran M,  
No.154/02, Trasar Thottam,  
Boopathi Nagar Arcot,  
Vellore, Tamil Nadu – 632503.

Also at:-

Sri Vignesh Traders  
No.31/A2 A3 Anna Salai Main Road  
Arcot, Vellore, Tamil Nadu – 632503.

2. Mrs. Karpagam

209, Trasar Thottam  
Boopathi Nagar Arcot  
Vellore, Tamil Nadu – 632503

Also above 1 and 2 are address at:-

D.No.154/2, Plot No.2 & 20, OTS 4/2PT,  
3/1PT, NTS52 & 50, Ward, D Block,  
15N Ward DN Block, 25 OTS4/1PT

S.No.404, Treasure Garden, ST. Arcot, Ranipet, Vellore ... Respondents

This Petition coming before me for hearing on today in the presence of M/s.SKM Associates, Mr.S.K.Mariyappan and Mr.S.Pugalendhi, Counsels for Petitioner, on perusal of averments in the Petition and evidence adduced before this court and having stood over for consideration till this date, this court delivered the following

**ORDER**

This Petition has been filed by the Authorized Officer of Petitioner Finance Limited u/s.14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to take physical possession of the Secured Asset being the immovable property morefully described in the schedule hereunder, together with documents relating thereto, if any by directing any officer authority to appointment of Advocate Commissioner and with the Assistance of the Inspector of Police, Arcot Town Police Station or any other appropriate Police Officer having Jurisdiction over the area if necessary where the schedule mentioned property is situated and hand over the same to the Authorized Officer of the Petitioner company in accordance with the Section 14 of the Sarfaesi Act, 2002 and to break open the immovable property and take inventory of the articles if any, removing the items lying there and to hand over vacant possession of the Secured Asset, with the documents relating thereto and for orders.

**Petition Averments in Nutshell:**

2. The Petitioner is an Authorized Officer of the Petitioner Bank Limited and he is well acquainted with the facts and circumstances of the case and competent to file this affidavit on behalf of the Petitioner. The Petitioner stated that the Secured Creditor within the meaning of Section 2(1)(zd) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,

2002 (hereinafter referred to the said Act). The Petitioner is a Housing Finance Company in whose favour security interest has been created for due repayment of the financial assistance granted to the Respondents by the Petitioner. The Petitioner Company is notified by the RBI to take legal actions against the borrowers under the provisions of the Sarfaesi Act. The Petitioner is represented through its Authorised officer Mr.A.Muthukumar (*Authorized officer name substituted as per the order in Crl.M.P.No.26/2026 dated 28.01.2026*) who has been appointed as the Authorized Officer by virtue of Board Resolution Passed by the Petitioner's board dated 27.06.2023.

3. The Respondents approached the Petitioner for availing the mortgage loan of Rs.78,00,000/- against the Property which is morefully mentioned in the schedule hereunder. After that the Petitioner accepted the Respondents request, the Petitioner sanctioned the said loan for sum of Rs.78,00,000/- for a period of 156 months, vide Sanction letter dated 21.10.2023 issued by the Petitioner on such terms and conditions as more particularly mentioned in the said sanction letter. Subsequently loan agreement was entered between the Petitioner and Respondents on 21.10.2023 vide its Agreement No.HHFVELLAP23000041288 on such terms and conditions more particularly mentioned in the said loan agreement.

4. The Petitioner had created a charges over the schedule mentioned property by the 2<sup>nd</sup> Respondent vide Memorandum of Deposit of Title Deeds executed on 15.11.2023 registered as Doc.No.8546/2023 in the office of the Sub Registrar, Arcot which is more fully described in the schedule hereunder. The schedule mentioned properties was acquired by the 2<sup>nd</sup> Respondents vide settlement Deed 29.06.2018, registered as Doc.No.3869/2018 in the office of the Sub Registrar, Arcot.

5. Pursuant thereto, a sum of Rs.78,00,000/- was disbursed to the Respondents. In consideration there of the Respondents agreed and undertook to repay the said loan of Rs.78,00,000/- with interest @ 13.50% p.a schedule to be repaid in 156 numbers of monthly installments each Rs.1,06,294/- owing to revision rates of interest in the current rate of interest paid the installments are to be continued till now at the said rate of interest, incase of delay/default in payment of the loan installments and other amounts due and payable under the said Agreement, the Respondents had also agreed to pay overdue charges on such delayed payments from the due date of payment. The Respondents committed default in payment of the Equated Monthly Instalments (EMI) and other amounts due and payable under the said Loan Agreement and despite repeated requests and reminders they have failed and neglected to pay the overdue EMIs and other interest and charges as per the Agreement. Hence the above accounts of the Respondents were classified as Non Performing Asset on 04.08.2024 in accordance with RBI rules.

6. Pursuant to the provisions of the said Act, the Petitioner, through its Authorised Officer, issued Notice dated 21.08.2024, u/s.13(2) of the said Act to the Respondents calling upon them to make payment of the outstanding sum of Rs.84,58,575/- due as on 20.08.2024 together with further interest till the date of payment, within a period of 60 days from the date of the receipt of notice failing which the Petitioner could exercise all or any of its rights available to it under the said Act, in respect of the secured asset. The said Demand Notice was sent through the Registered Post along with Acknowledgement card and the said notice were duly served to all the Respondents and kept as evidence as Track Consignment Report. The Petitioner has duly complied the Rule 3 of the Security Interest (Enforcement) Rules, 2002. Thereafter the Petitioner had effected paper

publication in “the New Indian Express” (English Daily) and “Dinamani” (Tamil Daily) on 30.08.2024. The Respondents herein had failed to remit the agreed instalments thereby the total amount outstanding in the said loan accounts as on 20.08.2024 is Rs.84,58,575/-.

7. Despite of the said notice, the Respondents have failed and neglected to discharge their liability within stipulated period as mentioned in the said Notice. Hence the Authorized Officer of the Applicant proceeded further under the provisions of the Sarfaesi Act to take symbolic possession of the Secured Asset on 06.11.2024 which was affixed the conspicuous part of the Secured Asset and by drawing Panchnama to that effect. Through Registered Post along with the Acknowledgment Card and served to all the Respondents. Thereafter the Petitioner had effected the paper publication for the said Possession Notice in the daily newspapers namely the “New Indian Express” (English Daily) and “Dinamani” (Tamil Daily) on 09.11.2024. The Petitioner is duly complied the Rule 8(1) & (2) of the Security Interest (Enforcement) Rules, 2002.

8. The Secured Asset is not in Possession of a lessee under a valid lease made prior to the creation of mortgage by the borrower or made in accordance with Sec 65A of the Transfer of property Act prior to the receipt of the notice under sub Section (2) of section 13 of the Sarfaesi Act by the borrower. It is well known fact that the said Act is enacted to strengthen the hands of the financial institutions and banks for speedy recovery of Non Performing Assets (NPA). The remedy provided u/s.14 of the said Act is a special remedy available to the financial institutions and banks for taking possession of the Secured Assets. As per the said Act, this Court have ample powers to take possession of the Secured Assets for a Petitioner being made to it and to hand over the same to the Petitioner.

9. The Petitioner has already issued notices under the Sarfaesi Act to the Respondents which have been duly served on them. It is judicially settled through different judgments including one of the latest decision of the Supreme Court in Standard Chartered bank Vs. Noble Kumar (2013) 9 SCC 620 it was held that a secured creditor can directly move Petition u/s.14 immediately after Section 13(2) notice and symbolic possession u/s.13(4) is required, by its notice dated 06.11.2024 Petitioner company already taken symbolic possession of the Secured Asset.

10. The Petitioner has come to know that the Respondents had made all the arrangements to resist Authorised Officer from taking the physical possession of the Secured Asset. So, the Petitioner apprehends that the Respondents or their agents will resist the authorised officer of the Petitioner in taking possession of the Secured Assets resulting in breach of Peace. This Court is empowered and has jurisdiction u/s.14 of the Securitization Act, 2002 to take physical possession of such secured asset and to deliver to the Petitioner. Therefore, this Court may take possession of the secured asset fully described in the schedule below either directly or through an officer of the Court including an Advocate Commissioner to be appointed and authorising him to resort police assistance if the circumstances may so warrant for the effective enforcement of the order and to hand over such secured assets to the secured creditor. The Petitioner stated that has not filed u/s.14 Petition against the Respondents before any other Court. There is no stay the schedule mentioned property by the DRT or any court forum.

11. The Secured assets situated within the Revenue limit of Arcot Village and is lying within the Police limit of Arcot Town Police Station. This Court has ample jurisdiction to entertain this Petition to proceed with the same. The Outstanding amount claimed by the Petitioner against the Respondents are not

less than 20% of the Principle Amount as prescribed under the Sarfaesi Act (Loan Amount Rs.78,00,000/-, Outstanding Amount-Rs.84,58,575/-). Hence this Petition.

12. On the side of the Petitioner, the Authorized Officer of the Petitioner's Finance Limited was examined as PW1 and PW1 had adduced evidence by filing Proof Affidavit and Ex.P1 to Ex.P14 marked as documents on the side of the Petitioner. Copy of Board Resolution Letter dated 14.10.2025 is marked as Ex.P1, Copy of Loan Application dated 27.09.2023 is marked as Ex.P2, Copy of Loan Sanction Letter dated 21.10.2023 is marked as Ex.P3, Copy of Loan Agreement dated 21.10.2023 is marked as Ex.P4, Copy of Settlement Deed in Doc.No.3869/2018 dated 29.06.2018 is marked as Ex.P5, Copy of Memorandum of Deposit of Title Deeds in Doc.No.8546/2023 dated 15.11.2023 is marked as Ex.P6, Copy of Demand Notice u/s.13(2) of Sarfaesi Act dated 21.08.2024 along with the copy of postal receipts and online Track Consignment Report are marked as Ex.P7, Paper Publication in "New Indian Express" (English Daily) and "Dinamani" (Tamil Daily) dated 30.08.2024 is marked as Ex.P8, Copy of Possession Notice dated 06.11.2024 along with Postal receipts and copy of online Track Consignment Report are marked as Ex.P9, Copy of Photograph for affixing Possession Notice dated 06.11.2024 is marked as Ex.P10, Paper Publication in "New Indian Express" (English Daily) and "Dinamani" (Tamil Daily) dated 09.11.2024 is marked as Ex.P11, Copy of Foreclosure Statements dated 07.01.2025 is marked as Ex.P12, Copy of Loan Account Statements dated 07.01.2025 is marked as Ex.P13, Copy of Encumbrance Certificate dated 01.01.2020 and 06.02.2025 is marked as Ex.P14.

**Point:**

13. Heard the Petitioner counsel. Records Perused. It is now settled that no Notice is necessary to be issued to the Respondents from the court after entertaining

the Petition u/s.14 of Sarfaesi Act. It is clear from perusal of Petition Averments, Proof Affidavit of PW1 and Ex.P2 Loan Application dated 27.09.2023, Ex.P3 Sanction Letter dated 21.10.2023, Ex.P6 Memorandum of Deposit of Title Deeds dated 15.11.2023 in Doc.No.8546/2023 that the Respondents had availed loan from the Petitioner Finance Bank by mortgaging the schedule mentioned property. It is evident that Ex.P7 Demand Notice u/s.13(2) of Sarfaesi Act dated 21.08.2024, reveals that the Petitioner Finance Bank, had issued the statutory Demand Notice under Section 13(2) of the Act through Registered Post to the Respondents by giving 60 days time to settle the outstanding due amount. Further the Petitioner Finance Bank had effected Paper Publication in “New Indian Express” (English daily) and “Dinamani” (Tamil daily) dated 30.08.2024 as per Ex.P8 and even then Respondents have failed to repay the amount due. Furthermore Ex.P9 Possession Notice dated 06.11.2024 reveals that after the Demand Notice under Section 13(2) of the Act, the Petitioner Finance Bank had issued the Possession Notice under Section 13(4) of the Act and the same was published in “New Indian Express” (English daily) and “Dinamani” (Tamil daily) dated 09.11.2024 as per Ex.P11.

14. It is to be noted that it has been further stated in the Petition and Proof Affidavit filed by the Petitioner that no proceedings or stay is pending before DRT or any other forum pertaining to this matter. Considering the above circumstances, this court is of the view that the Advocate Commissioner can be appointed for taking actual possession of the Petition schedule mentioned property from the 2<sup>nd</sup> Respondent in accordance with the provisions of Sarfaesi Act.

15. In fine, **Mr.Manjunath, MS.No.2289/2024** is appointed as **Advocate Commissioner** for the purpose of assisting the Petitioner in taking possession of the Petition schedule mentioned property of 2<sup>nd</sup> Respondent 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 Station House Officer by stating reason for the same. If necessary, the Advocate Commissioner shall take assistance from the jurisdictional Police Station and Revenue Officials concerned and permitted to break open the schedule mentioned property for the purpose of taking inventory of the articles therein in the presence of the concerned Police officials and Revenue officials for execution of the warrant. A sum of Rs.25,000/- is ordered as Remuneration to the Advocate Commissioner in which Rs.10,000/- has to be paid directly to the Advocate Commissioner and the balance of Rs.15,000/- has to be paid on execution of the warrant. The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates. Issue Commission Warrant to the Advocate Commissioner. Report by 09.03.2026

Dictated to the steno-typist, typed by her directly in the computer, corrected by me and pronounced by me in the open court on this the 7<sup>th</sup> day of February, 2026.

Chief Judicial Magistrate,  
Ranipet.

**Petitioner side witnesses:**

PW1- Mr.A. Muthukumar

**Petitioner side Exhibits:**

Ex.P1	14.10.2025	Copy of Board Resolution Certificate
Ex.P2	27.09.2023	Copy of Loan Application
Ex.P3	21.10.2023	Copy of Sanction Letter
Ex.P4	21.10.2023	Copy of Loan Agreement
Ex.P5	29.06.2018	Copy of Settlement Deed in Doc.No.3869/2018
Ex.P6	15.11.2023	Copy of Memorandum of Deposit of Title Deeds in Doc.No.8546/2023
Ex.P7	21.08.2024	Copy of Demand Notice u/s.13(2) of Sarfaesi Act along with copy of Postal Receipts and online Track Consignment Report
Ex.P8	30.08.2024	Paper Publication in “New Indian Express” (English daily) and “Dinamani” (Tamil daily)
Ex.P9	06.11.2024	Copy of Possession Notice along with Postal receipts and online Track Consignment Report
Ex.P10	06.11.2024	Copy of Photograph for affixing Possession Notice
Ex.P11	09.11.2024	Paper Publication in “New Indian Express” (English daily) and “Dinamani” (Tamil daily)
Ex.P12	07.01.2025	Copy of Foreclosure Statements
Ex.P13	07.01.2025	Copy of Statement of Accounts
Ex.P14	01.01.2020 06.02.2025	Copy of Encumbrance Certificate

Chief Judicial Magistrate,  
Ranipet.