



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, CHENGALPATTU.
Present: Tr. N.SULTAN ARIBEEN, B.Sc., M.A., LL.M., Dip.in JJ & JP
Chief Judicial Magistrate, Chengalpattu.

Thursday, the 13th day of August 2026

Crl.M.P.No.2052/2026
(CNR.No.TNCG06-002774-2026)

Asset Reconstruction Company (India) Ltd,
 ARCIL Retail Loan Portfolio 045-A Trust
 Rep by its Authorized Officer
 Mr.J.Vijayaraj
 Registered office
 The Ruby, 10th Floor,
 29 Senapati Bapat Marg,
 Dadar, (W) Mumbai 400 028
 Branch office at
 1G, 1st Floor, Century Plaza,
 No.560-562, Anna Salai,
 Teynampet, Chennai – 600018.

... Petitioner

-Vs-

1. Mr.Devamurthy R
 S/o.Rangasamy,
 No.1-29 A, New No.70-1, Mariamman Koil Street,
 Anjanacheery, Meledaiyalam Village,
 Gingee, Villupuram – 604 202.

2. Mrs.D.Indira,
 W/o.Devamurthy
 No.1-29 A, New No.70-1, Mariamman Koil Street,
 Anjanacheery, Meledaiyalam Village,
 Gingee, Villupuram – 604 202.

... Respondents

Learned Counsel for the Petitioner : M/s A.RAJAVEL,
 MR.V.SANTHOSH, MR.A.SASIKUMAR.

O R D E R

This petition has been filed by the petitioner u/S. 14 of the
 Securitization and Reconstruction of Financial Assets and Enforcement of



Security Interest Act 2002 (hereinafter called as the Act) praying this Court to pass an order, enabling the petitioner to take possession of the secured assets, more fully described in the schedule.

2. **The averments found in the petition are as follows:-**

The Petitioner submit that the Respondents approached the petitioner Bank for a **Housing Loan against property** by submitting Loan Application. Based on the documents furnished by the respondents, the petitioner Bank had sanctioned the said Loan for a sum of **Rs.28,35,000/- on 19.12.2016 Vide Loan Account No.428659000000133** and the respondents mortgaged the their properties with the petitioner bank and has deposited the original title deeds with an intent to create security thereon **Vide Memorandum of deposit of Title deeds Registered as Document No.13943/2016 dated 20.12.2016, SRO Guduvanchery**. The Petitioner further states that the property which was mortgaged the “Secured Asset” in the hands of the Petitioner to enforce the liability as against the Respondent.

The Petitioner states that the Respondents had committed willful default in payment of the outstanding dues. The equated monthly installments agreed to be repaid remained unpaid and the account of the Respondents was declared as a Non-Performing Asset on **21.04.2018**. In spite of various demands and requests, the Respondents had not come forward to discharge the liability.

The Petitioner further submits that since the Respondents failed to discharge the liability, the Petitioner invoking their right as against the secured asset, decided to proceed against the property and the Respondents under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Accordingly, a demand notice under Section 13(2) of the said Act was



issued to the Respondents on **25.08.2023** calling upon them to pay the total sum of **Rs.33,73,784.27**. The Demand Notice sent to both the Respondents have been served to them.

The Petitioner further states that even after the expiry of the statutory period of 60 days from the date of service of the demand notice, the Respondents have not come forward to repay the dues. In furtherance to the rights vested with the Petitioner under Section 13(4) of the said Act, the Petitioner through the Authorized Officer, initiated steps to take possession of the secured asset.

Hence, it is prayed to order for taking physical possession of the secured asset from the respondents by appointing an Advocate Commissioner and direction may be given to provide adequate protection to take physical possession. The petitioner further submits and declares that there is no stay or injunction in any other court or tribunal for taking physical possession of the secured assets under the provisions of the Act.

3. The authorized officer of the petitioner bank has filed proof affidavit along with the petition in support of the petition confirming the measures taken by the petitioner before filing this petition. The petitioner had produced the copies of documents viz., **Loan Application, Loan Sanction Letter, Demand Notice etc.**, along with the petition, to prove that the petitioner had taken all the measures as enumerated in Section 13 of the Act.

4. The authorized officer of the petitioner bank has categorically stated in the affidavit that there is no stay granted by any other Court preventing the petitioner from taking steps u/s.13 of the Act. As per the averments found in the petition as well as in the **Mannivakkam Village**, which is well within the jurisdiction of this Court. This petition has been filed by the petitioner to take the physical possession of the secured asset



enabling the petitioner to sell or transfer in accordance with law. The authorized officer of the petitioner bank has also filed an affidavit declaring the aggregate amount of financial assistance granted to the respondents with the period of fault committed by the respondents and all other aspects to fulfill the requirements made in Sections 13 and 14 of the Act. The contents found in the Proof Affidavit are sufficient to satisfy this Court to pass an order for taking physical possession of the secured asset.

5. The petitioner has followed the procedures laid down u/S.13 & 14 of the Act and as a banking company, the petitioner is entitled to get the assistance of this Court and also to get police protection in order to take possession of the schedule mentioned property and to bring the same for sale. However, the right of the petitioner can be exercised only through a Court Officer or the Advocate Commissioner appointed by the Court to avoid further complications.

6. In view of the guidelines laid down by the Hon'ble High Court in 2026 MHC 1947 - Vijayanand Srinivasan Vs. Punjab National Bank, and considering the entire materials, this Court is of the opinion that u/s.14(1) of the Act, the petitioner is entitled to take possession of the schedule mentioned assets. The petitioner has also complied with the provisions under Section 13(4) and Rule 8 (1) & (2) of Security Interest (Enforcement) Rules 2002.

7. IN THE RESULT, this petition is allowed.

i) **Ms.I.Anandhi, Enrl. No.2948/2016, Ph.No.7373278147** is appointed as Advocate Commissioner to take possession of the schedule mentioned Property after taking inventory if necessary with the assistance of the Station House Officer, **H1, Otteri Police Station** and to handover the same to the petitioner.



ii) A sum of Rs.80,000/- is ordered as remuneration to the Advocate Commissioner. The Petitioner is hereby directed to pay 50% of the remuneration directly to the advocate commissioner's account within a period of 10 days from the date of this order. On filing the proof for payment along with 'No Stay/No appeal' pending in any other Court in respect of the schedule mentioned properties, affidavit by the petitioner, warrant will be issued. The remaining remuneration of Rs.40,000/- should be directly paid by the petitioner to the Advocate Commissioner's account at the time of execution of warrant and the proof for payment to be filed before this court.

iii) The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates. She shall execute the warrant within 60 days from the date of receipt of warrant and submit her report to this Court. The Commissioner is permitted to break open the lock if necessary in order to execute the warrant.

SCHEDULE OF PROPERTY

All that piece and parcel of Vacant land situated at Kancheepuram District, Chengalpet Taluk, Mannivakkam Village, comprised in Old S.No.284/88 part, as per patta new S.No.284/8B2, bearing Plot Nos.29-1, 779.32 Sq.ft., 304, 779.32 Sq.ft., 31-1, 858.71 Sq.ft., and 31-A-1, 894.23 in Lakshmi Nagar (Approved by CMDA vide its approval bearing PPD/Lo No.68/2003) admeasuring an extent of 7,311.58 Sq.ft., of undivided share of land out of Schedule – B mentioned property together with a Residential Flat bearing Flat No.S4 in the 2nd floor in D1 Block, having a built up area of 826 Sq.ft., including the common areas of the building in the residential complex called Lakshmi Nivasam, together with all other appurtenant rights and improvements thereon in the name of R.Devamurthy described



in the schedule of Sale Deed No.13942/2016 dated 19.12.2016 of SRO Guduvanchery and bounded on the

Bounded by:

North : 40 wide road

South : Land in S.Nos.233 & 283

East : Plot No.28

West : Plot No.32

(POLICE LIMIT - H1, OTTERI POLICE STATION)

This order has been dictated by me to the Steno-typist, typed by her directly in computer, corrected and pronounced by me in the Open Court on this Thursday, the 13th day of August 2026.

CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU.