**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM**

Present: Thiru.G. Manikandaraja, B.A., B.L.,
Chief Judicial Magistrate. (FAC)

Tuesday, the 28th day of July 2026

Crl.M.P. No.561/2026

(CNR.No.TNTJ18-000511-2026)

Union Bank of India,
Orathanadu Branch,
Rep. by its Authorized Officer
Mr.Ravi Nath Jha, S/o.Ugra Nath Jha – Petitioner/Secured Creditor

/ Vs /

Mr.A.Karikalan,
S/o.Annadurai – Respondent/Borrower

This petition is coming before me on today for final hearing in the presence of Mr.N.Rajendran, Counsel for the Petitioner and upon hearing the arguments of Petitioner and upon perusing the case records and having stood over for consideration till this date, this Court pronounced the following

O R D E R

This petition was filed by the Petitioner – Company seeking for the relief U/s. 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 to appoint an Advocate-Commissioner to take possession of the schedule mentioned property from the Respondent and empower to Advocate-Commissioner to break open the buildings and issue appropriate directions to Inspector of Police, Thiruvonam Police Station, Thanjavur District to assist to evict the occupants of the schedule property and handover possession of the suit property to the Petitioner and for other relief.

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2. <u>The Brief averments of the Petition</u> :

The Petitioner – Bank is a body Corporate and constituted under Banking Companies Act. The Respondent had availed Housing Loan of Rs.6,40,000/- vide Loan A/c No.771206650000010 sanctioned on 14.08.2020. The 1st Respondent had deposited his original title deeds / documents of the petition mentioned property to the petitioner Bank and necessary confirmation letter along with the equitable mortgage in favour of the Petitioner Bank for the loan availed by the respondent. The respondent failed to repay the loan to the petitioner and become chronic defaulter and the said account became a non-performing account and has been classified as Non-Performing Assets on 22.06.2024. Therefore on 30.09.2024 the bank has issued a demand notice to the respondent as contemplated under Section 13(2) of SARFAESI Act calling upon them to repay the overall loan amount of Rs.6,37,572.45/- to the Bank within 60 days. The said notice was served to the respondent. Subsequently, the Petitioner had issued Possession notice under Section 13(4) of the Act on 21.06.2025. The Petitioner – Bank published the possession notice in Tamil and English daily on 27.06.2025. The respondent willfully default in repayment of loan amount. In-spite of the efforts made by the petitioner, the petitioner was unable to take possession of the secured property. Since the respondent committed default and non-compliance of Section.13(2) of SARFAESI Act notice, the Petitioner is entitled for reliefs under section 13(4) of SARFAESI Act. Thus the Petitioner prays for the reliefs as prayed in the petition.

3. On the side of the Petitioner, one Mr.Ravi Nathjha, S/o.Ugranathjha, Authorized Officer was examined as P.W.-1. Ex.P.-1 to Ex.P.-20 were marked on the side of the Petitioner.

4. Point for consideration:

Whether the Petitioner is entitled for appropriate reliefs as against the Respondent under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002?

5. On the Point:

Heard, Petition and case records are carefully perused and considered in the light of arguments placed before this Court by the Counsel for the Petitioner.

6. This Court carefully considered the submissions of the Learned Counsel for Petitioner in respect of schedule mentioned property as well as possession notice dated 21.06.2025. Before getting into factual matrix, this Court wanted to rely the recent decision of Hon'ble High Court, Madras in W.P.No.10348/2021. The relevant portion of the Judgment is extracted hereunder for better appreciation.

Accordingly, W.P.No.10348 of 2021 is disposed of by requesting the Chief Judicial Magistrate, Villupuram to dispose of the petitioner's request for executive assistance in accordance with law within a period of six weeks from date of receipt of a copy of this order. It is clarified that notwithstanding the nature of the duties generally discharged by a Chief Judicial Magistrate, when a request under Section 14 of the said Act is *carried to such officer, no adjudication is required to be undertaken in disposing of such request.*

Further the Superior Courts also concluded that the nature of work by the Chief Judicial Magistrate in respect of relief under section 14 of the SARFAESI Act is not an adjudicatory in nature and relates to executive in nature. With this pretext, this Court proceeds with the matter within the frame work of Law.

7. On verifying the documents Ex.P.1 is the Authorization letter which ensures the Mr.Ravi Nathjha, S/o.Ugranathjha, was nominated by the Petitioner / Bank under the SARFAESI Act as Authorized officer, Ex.P.20 is the document that show that the Respondent applied for loan from the petitioner Bank on 13.08.2020. The petitioner/Bank Sanctioned Rs.6,40,000/- to the respondent on 14.08.2020 and after availing the above said loan the respondent executed Ex.P.3 Demand Promissory Note and Ex.P.4 Housing Loan Agreement and Ex.P.5 General Term Loan Agreement and Ex.P6 Letter of Continuity and Ex.P.7 Agreement and Ex.P.8 Letter of undertaking from the Borrowers on 14.08.2020. The respondent is the absolute owner of the schedule of property through Ex.P.9 Settlement deed dated 31.01.2019 and Ex.P.10 Adangal dated 19.02.2020 and Ex.P.11 Building plan approval blue print. The title deeds and the same was mortgaged with the Petitioner Bank, by the deposit of original title deeds as security for the said loan amount. After availing the loan, the Respondent executed Ex.P.12 the Memorandum of deposit of title deeds on 14.08.2020. After availing loan the respondent fail to repay the loan amount. Hence, the said loan account

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was declared as Non-performing Assets. So the Petitioner Bank issued Ex.P.13 Demand notice on 30.09.2024 to the respondent and the same was received by the respondent through Ex.P.14 Acknowledgment card. Thereafter, as the Respondent did not pay the due, the petitioner Bank issued Ex.P.15 Possession notice on 21.06.2025 to the respondent. Ex.P.16 is the possession notice affixed photo copy. Possession Notice also issued paper publication Tamil and English through Ex.P.17 on 27.06.2025. The respondent never raise any objection subsequent to the Demand notice dated 30.09.2024.

8. Further, the Respondent default in payment of loan amount which is proved through Ex.P.18 statement of accounts. The petitioner company is absolute owner of the schedule mentioned property through Ex.P.19 Encumbrance certificate. The documents Ex.P.1 to P.20 proved the petitioner claim. Therefore, this court comes to the conclusion that the Petitioner is entitled to the reliefs as prayed for. Accordingly, the Point is answered in favour of the Petitioner.

9. In the result, the petition under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is allowed with following terms:

1) Mr.D.Manikandan, Advocate (Enrollment No. MS.No.1550/2023 - Mobile No.8248172383) is appointed as Advocate-Commissioner with following tasks :

i) To inspect the schedule of properties.

ii) To take physical possession of schedule of properties with inventories.

iii) After taking inventories, handover the possession of schedule of properties to the Petitioner - Bank / Secured Creditor.

iv) In the event of any ambiguity or clarification while executing the orders of this Court, the learned Advocate-Commissioner is at liberty to approach this Court by way presenting Clarification memo.

v) In the event of any obstruction, the learned Advocate-Commissioner is hereby permitted to break open and took possession of the schedule property.

vi) A sum of **Rs. 20,000/-** is fixed as remuneration to the learned Advocate-Commissioner and the Petitioner – Bank is directed to deposit a sum of **Rs.20,000/-** to the Court.

vii) After depositing the remuneration by the Petitioner – Bank, the learned Advocate-Commissioner shall fix a day for execution.

viii) The Report shall be filed at the earliest point of time.

ix) On filing Report before this Court, the learned Advocate Commissioner is entitled to get the remuneration of Rs.20,000/- from the Court by filing necessary application.

// Dictated by me to the Steno-Typist, and directly typed by him in the computer, corrected and pronounced by me in the open court on this 28th day of July, 2026.//

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Chief Judicial Magistrate,(FAC)
Thanjavur at Kumbakonam.

WITNESS ON THE SIDE OF PETITIONER :	
1	Mr. Ravi Nath Jha (Authorized Officer)

EXHIBITS ON THE SIDE OF PETITIONER :

Ex. No.	Date	Details	Type of Document
Ex.P.1	15.11.2025	Copy of Authorization letter	Copy
Ex.P.2	14.08.2020	Copy of Loan Sanctioned Letter	Compared with original
Ex.P.3	14.08.2020	Copy Demand Promissory Note	Compared with original
Ex.P.4	14.08.2020	Copy of Housing Loan Agreement	Compared with original
Ex.P.5	14.08.2020	Copy of General Term Loan Agreement	Compared with original
Ex.P.6	14.08.2020	Copy of Letter of continuity	Compared with original
Ex.P.7	14.08.2020	Copy of Letter of General Lien and set off	Compared with original
Ex.P.8	14.08.2020	Copy of Letter of undertaking	Compared with original
Ex.P.9	31.01.2019	Copy of Settlement deed	Compared with original
Ex.P.10	19.02.2020	Copy of Adangal extract	Compared with original
Ex.P.11	04.03.2019	Copy of Building approval plan	Compared with original
Ex.P.12	14.08.2020	Copy of Memorandum of Deposit of Title Deeds	Compared with original
Ex.P.13	30.09.2024	Copy of U/s.13(2) Demand Notice	Compared with original
Ex.P.14	--	Copy of Acknowledgment card	Original
Ex.P.15	21.06.2025	Copy of U/s.13(4) Possession Notice	Compared with original

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Ex.P.16	--	Possession notie affixed photo copy	Compared with original
Ex.P.17	27.06.2025	Possession Notice paper publication Tamil and English	Original
Ex.P.18	03.01.2026	Statement of Accounts	Online copy
Ex.P.19	11.01.2026	Encumbrance Certificate	Online copy
Ex.P.20	13.08.2020	Copy of Loan Application.	Compared with original

SCHEDULE OF PROPERTY

Pattukottai Registration District, Thiruvonam Sub Registry, Orathanadu Taluk, Thanjavur District, Kaduvettividuthi village in Punjai Survey No.75A/12 Patta Number 2571 to the extent of 0.18.0 Ares (0.45 cents) equivalent to 19602 sq.ft., Manai (House site) Situated within the following four boundaries : South of Mr.Vaidyanathan's plot, North of Mr.Gandhi's plot, West of North-South village Road and East of Palaniyappan's plot. As per New patta Transfer order the property is in survey No.75A/12.

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