

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

Present: Tmt. S. Mahalakshmi, B.Sc., LL.M.,
Chief Judicial Magistrate.

Wednesday, the 12th day of March, 2026

Crl.M.P. No.953/2025

(CNR.No.TNTJ18-004777-2025)

Hinduja Housing Finance Bank Ltd.,
Having registered Head Officer at Chennai,
Kumbakonam Branch,
Rep. by its Authorized Officer
Mr. Thirumal Nagarajan

– Petitioner/Lender

/ Vs /

1. Mr.Ramakrishnaraj, S/o.Sabapathy

– 1st Respondent/Borrower

2. Mrs.Vishnupriya, W/o. Ramakrishnaraj

– 2nd Respondent/Co-Borrower

This petition is coming before me on 11.03.2026 for final hearing in the presence of Thiru.R.Karthick, B.E., B.L., M.Sc., 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 ...

ORDER

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 Respondents and empower to Advocate-Commissioner to break open the buildings and issue appropriate directions to

Inspector of Police, Cholapuram 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.

2. The Brief averments of the Petition :

The Petitioner Company is a public limited company and a small finance Bank having its registered office at 27.A, Developed Industrial Estate, Guindy, Chennai. Mr.Thirumal Nagarajan, is an Authorized Officer nominated by the Petitioner / Company under the SARFAESI Act, 2002 to represent on behalf of the Petitioner / Company. The respondents certificate of Registration is filed. The Notification issued by the Ministry of Finance is filed. The Loan application on 22.04.2017. The Petitioner was sanctioned a loan of Rs.26,00,000/- (Rupees Twenty Six Lakhs only) vide loan Offer letter dated 22.04.2017. Loan Agreement dated 26.11.2019 Application No.TN/KMB/KUKM/A000000025 is in favour of the Petitioner same is filed. Subsequently the Respondents 1 and 2 had approached the petitioner for enhancement of the Loan of Rs.1,75,472/- (Rupees One Lakh Seventy Five Thousand Four Hundred and Seventy Two Only). Schedule mentioned property by way of the original sale deed Document No.1437/2018 dated 05.08.2014. The Petitioner by way of Registered Memorandum of Deposit of Title Deeds dated 07.06.2017 vide Document No.482/2017 before the Sub Registrar Office, Thiruppanandal, Thanjavur District and thereby he created equitable mortgage in favour of the Petitioner. The Memorandum of Deposit of Title Deed is filed. Thereafter the Petitioner issued

Demand Notice dated 04.04.2025 to the Respondents. Respondents to make payment of Rs.20,80,081/- (Twenty Lakhs Eighty Thousand and Eighty one only) due as on 27.03.2025 within 60 days. Possession of the mortgaged property more fully described dated 16.07.2025. Since the respondents 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. Thirumal Nagarajan, Authorized Officer was examined as P.W.-1. Ex.P.-1 to Ex.P.-18 were marked on the side of the Petitioner.

4. Point for consideration:

Whether the Petitioner is entitled for appropriate reliefs as against the Respondents 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 16.07.2025. Before getting into factual matrix, this Court wanted to reply 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 Hon'ble 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 framework of Law.

7. On verifying the documents Ex.P.1 is the Authorization letter which ensures the Mr.Thirumal Nagarajan, was nominated by the Petitioner / Company under the SARFAESI Act as Authorized officer, Ex.P.1 is the document that show that the Respondents applied for loan from the petitioner Bank on 22.12.2024. Ex.P2 RBI Registration Certificate dated 13.09.2015. Ex.P3 Ministry of Finance Notification on 22.01.2018. Ex.P4 Loan application on 28.04.2017. Ex.P5 Loan sanction letter on 22.04.2017. Ex.P6 Loan Agreement executed by the respondents in favour of the

Petitioner on 22.04.2017. Ex.P7 Gift deed (Document No.639/2014) executed by Thiru.Neelatchi W/o.Sabapathi of the 1st Respondent Thiru.Ramakrishnanraj,S/o. Sabapathy dated 05.08.2014 before the Sub Registrar Office, Thiruppananthal, Thanjavur on 05.08.2014. 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 1st and 2nd Respondents executed Ex.P8 the Memorandum conforming of deposit of title deeds on 07.06.2017. After availing loan the respondents fail to repay the loan amount. Hence, the said loan account was declared as Non-performing Assets. So the Petitioner Bank issued Ex.P9 Demand notice on 04.04.2025 to the respondents and the same was received by the 1st and 2nd respondent Acknowledgment Cards through Ex.P.10 dated 7.04.25. The Petitioner Company Demand Notice also issued paper publication Tamil and English through Ex.P.11 on 19.04.2025. Thereafter Ex.P.12 Possession notice on 16.07.2025 and the same was received by the respondents Ex.P.13 dated 7.04.25 Acknowledgment Cards. The Possession Notice also issued paper publication Tamil and English through Ex.P.14 on 22.07.2025.

8. Further, the Respondents default in payment of loan amount which is proved through Ex.P.15 statement of accounts as on 27.03.2025. The Statement of Account enhancement loan Ex.P.16 dated 27.03.2025. The Statement of Accounts enhancement loan Ex.P.17 on 02.04.2025. Encumbrance certificate Ex.P.18 on 13.09.2025. 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) Thiru.R.Rajendrakumar, Advocate (Enrollment No. MS.No.1122/2006 - Mobile No.95852 59788) 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 Typist, and directly typed by him in the computer, corrected and pronounced by me in the open court on this 12th day of March, 2026.//

Sd/S.Mahalakshmi,
Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

<i>WITNESS ON THE SIDE OF PETITIONER :</i>			
1	Mr.Thirumal Nagarajan (Authorized Officer)		
<i>EXHIBITS ON THE SIDE OF PETITIONER :</i>			
Ex. No.	Date	Details	Type of Document
Ex.P.1	22.12.2024	Copy of Authorization Letter	Copy
Ex.P.2	13.09.2015	Copy RBI Registration Certificate	Copy
Ex.P.3	22.01.2018	Copy of Ministry of Finance Notification	Copy
Ex.P.4	22.04.2017	Copy of Loan Application	Compared with original
Ex.P.5	22.04.2017	Copy of Loan Sanction Letter	Compared with original
Ex.P.6	22.04.2017	Copy of Loan Agreement executed by the Respondents in favour of the Petitioner	Compared with original

Ex.P.7	05.08.2014	Copy of Gift deed (Document No.639/2014 executed by Thiru.Neelatchi, W/o.Sabapathy of the 1 st Respondent Ramakrishnaraj S/o. Sabapathy, dated 05.08.2014 before the Sub Registrar Office, Thiruppanandal, Thanjavur.	Compared with original
Ex.P.8	07.06.2017	Copy of Memorandum of Deposit of Title Deeds executed 1 st Respondent in favour of the Petitioner / Secured Creditor Vide Document No.482/2017	Compared with original
Ex.P.9	04.04.2025	Demand Notice issued to the respondents by the Petitioner Bank under section 13(2) of SARFAESI Act	Compared with original
Ex.P.10	07.04.2025	Acknowledgment Cards	Compared with original
Ex.P.11	19.04.2025	Demand Notice paper publication Tamil and English	Compared with original
Ex.P.12	16.07.2025	Copy of Possession Notice issued to the respondents by the Petitioner Bank under section 13(4) of SARFAESI Act	Compared with original
Ex.P.13	22.07.2025	Acknowledgment Cards	Compared with original
Ex.P.14	22.07.2025	Possession Notice paper publication Tamil and English	Compared with original
Ex.P.15	27.03.2025	Statement of Accounts	Online Copy
Ex.P.16	27.03.2025	Statement of Accounts Enhancement loan	Online Copy
Ex.P.17	02.04.2025	Statement of Account Enhancement loan	Online Copy
Ex.P.18	13.09.2025	Encumbrance Certificate	Online Copy

SCHEDULE OF PROPERTY

Thanjavur District, Kumbakonam Registration District, Thiruppanandal Sub Registration Office, Kumbakonam Taluk, Aathiyur Village, Comprised in RS No.211/9, Old RS No.211/1 part measuring in the extent of square feet (187.29 Sq.mtr.).

Boundaries:

East and South to Saraswathi Ammal vacant plot, North to Street, West to Chinnammal Plot.

East and South to : Saraswathi Ammal vacant plot.

North of : Street,

West of : Chinnammal Plot.

Sd/S.Mahalakshmi,
Chief Judicial Magistrate,
Thanjavur at Kumbakonam.