

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

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

Thursday, the 12<sup>th</sup> day of March, 2026

**CrI.M.P. No.40/2026**

(CNR.No.TNTJ18-005301-2025)

M/s. Equitas Small Finance Bank Ltd.,  
Having registered Head Officer at Chennai,  
Thanjavur Branch,  
Rep. by its Authorized Officer  
Mr. A.Alexander

– Petitioner/Lender

/ Vs /

1. Mr.Arumugam, S/o.Murugan

– 1<sup>st</sup> Respondent/Borrower

2. Mrs.Sumathi, W/o.Arumugam

– 2<sup>nd</sup> Respondent/Co-Borrower

This petition is coming before me on 11.03.2026 for final hearing in the presence of Tmt.S.Mullai, B.A., B.L., 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, Thanjavur East 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 Spencer Plaza, 4<sup>th</sup> floor, Phase-II, No.769, Mount Road, Annasalai, Chennai. Mr.A.Alexander, is an Authorized Officer nominated by the Petitioner / Company under the SARFAESI Act, 2002 to represent on behalf of the Petitioner / Company. The Petitioner Sanctioned 1<sup>st</sup> Term Loan to the tune of Rs.2,89,000/- Term Loan No.SEAMMPT0169009 and Subsequently the Respondent were Top up Term Loan of Rs.3,60,000/- Term Loan No.SEAMMPT0246248 on 24.07.2019. The Loan amount has become Non performing Asset as per the RBI guidelines on 08.08.2024. The Petitioner company issued a Demand Notice dated 21.10.2024, U/s.13(2) of the SARFAESI Act, to the respondents calling them to make the payment of a sum of Rs.1,88,916/- (Rupees One Lakh Eight thousand Nine Hundred and Sixteen Only) being the outstanding as on 23.08.2024. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents returned the notice. Even after the full knowledge of the aforesaid notice dated 21.10.2024 the Respondents did not pay the amount demanded in the said notice and also did not make any objections U/s 13(3-A) Hence the petitioner company issued Possession Notice on 22.02.2025. The 1<sup>st</sup> Respondent had not preferred any appeal against the Possession Notice dated 22.02.2025. 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. A.Alexander, Authorized Officer was examined as P.W.-1. Ex.P.-1 to Ex.P.-17 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 22.02.2025. 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.A.Alexander, was nominated by the Petitioner / Company under the SARFAESI Act as Authorized officer. The Ex.P.2 is Term Loan Agreement along with several documents dated 18.04.2018. Ex.P3 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 1<sup>st</sup> and 2<sup>nd</sup> Respondents executed Ex.P.3 , the Memorandum conforming of deposit of title deeds on 18.04.2018 and Ex.P4 Deposit of title deed on 22.07.2019. Ex.P5 , Demand notice dated 21.10.2024 send to the respondents and the same was returned by the 1st and 2<sup>nd</sup> respondent which is evidenced as Ex.P.6 and Ex.P7 postal covers . The Petitioner Company Demand Notice also issued via paper publication in Tamil and English which is Ex.P.8 dated 06.12.2024. Thereafter, as the Respondents did not pay the due, the petitioner Bank

issued Ex.P.9 Possession notice on 22.02.2025 and the same was returned by the 1<sup>st</sup> respondent Ex.P.10 on 14.03.2025 and returned by the 2<sup>nd</sup> Respondent which is Ex.P.11 The Possession Notice also issued via paper publication Tamil and English through Ex.P.12 on 26.02.2025.

8. Further, the Respondents default in payment of loan amount which is proved through Ex.P.13 statement of accounts as on 16.09.2025. The petitioner company is absolute owner of the schedule mentioned property through Ex.P.14 Encumbrance certificate on 16.12.2025. Ex.P.15 is the copy of the Settlement Deed Executed by Sumathi in Favour of Arumugam on 02.02.2018. Ex.P.16 Loan Application on 02.04.2018. Ex.P.17 Sanction letter on 17.04.2018. 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) Mrs.A.Arutselvi, Advocate (Enrollment No. MS.No.2361/2005 - Mobile No.94427 41902) 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 12<sup>th</sup> day of March, 2026.//

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

<b><i>WITNESS ON THE SIDE OF PETITIONER :</i></b>			
1	Mr. A.Alexander (Authorized Officer)		
<b><i>EXHIBITS ON THE SIDE OF PETITIONER :</i></b>			
<b>Ex. No.</b>	<b>Date</b>	<b>Details</b>	<b>Type of Document</b>

Ex.P.1	20.11.2024	Copy of Authorization Letter	Copy
Ex.P.2	18.04.2018	Copy of Term Loan Agreement	Compared with original
Ex.P.3	18.04.2018	Copy of Memorandum of Deposit of Title Deeds bearing Doc.No.1486/2018 at SRO, Maharnonbhuchavadi	Compared with original
Ex.P.4	22.07.2019	Copy of Memorandum of Deposit of Title Deeds	Compared with original
Ex.P.5	21.10.2024	Copy of Demand Notice issued to the respondents by the Petitioner Bank under section 13(2) of SARFAESI Act	Compared with original
Ex.P.6	26.10.2024	Copy of Returned Notice from the 1 <sup>st</sup> Respondent	Compared with original
Ex.P.7	26.10.2024	Copy of Returned Notice from the 2 <sup>nd</sup> Respondent	Compared with original
Ex.P.8	06.12.2024	Demand Notice paper publication Tamil and English	Copy
Ex.P.9	22.02.2025	Copy of Possession Notice issued to the respondents by the Petitioner Bank under section 13(4) of SARFAESI Act	Compared with original
Ex.P.10	14.03.2025	Returned Notice of the 1 <sup>st</sup> Respondent	Copy
Ex.P.11	14.03.2025	Returned Notice of the 2 <sup>nd</sup> Respondent	Copy
Ex.P.12	26.02.2025	Possession Notice paper publication Tamil and English	Compared with original
Ex.P.13	16.09.2025	Statement of Accounts	Online copy
Ex.P.14	16.12.2025	Encumbrance Certificate	Online copy
Ex.P.15	02.02.2018	Settlement Deed Executed by Sumathi in Favour of Arumugam	Compared with original
Ex.P.16	02.04.2018	Copy of Loan Application	Compared with original
Ex.P.17	17.04.2018	Copy of Sanction Letter	Compared with original

**SCHEDULE OF PROPERTY**

Property belongs to Thiru.Arumugam (Settlement Deed Document No.275/2018 of Maharnonbhuchavadi Sub Registry, Raramuthiraikottai Village, Old Survey No.83/10A, New Survey No.565/9, extend 2959 Sq.ft. Situated at Raramuthiraikottai Village, Papanasam Taluk and Thanjavur District within the Magarnombuchavadi Sub Registration District, Thanjavur Registration District.

**Boundaries:**

North by : Krishna House,  
South by : Sathasivam Plot,  
East by : Raman Plot,  
West by : Srirangam Plot.

Situated at within the Sub Registration District of Magarnombuchavadi and Registration District of Thanjavur.

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