

**Proceedings of the Chief Judicial Magistrate Court, Tenkasi District.**

**Present: Tmt.J.Christal Babitha, M.Sc., M.L.,  
Chief Judicial Magistrate,  
Tenkasi.**

**Thursday the 05 day of March 2026**

**Criminal Miscellaneous Petition No.1395/2025**

<b>Petitioner:</b>	PNB Housing Finance Ltd, Rep. by Authorized officer, Mr.Sahaya Jegan,
<b>Respondents</b>	1) Mr.S. Singaraja S/o. Subbaiah, D.No.7/339-1 Main Street, Thannuthu, Tirunelveli – 627 857.
	2) Mrs. Rajalakshmi Singaraja W/o. Singaraja, D.No.7/339-1 Main Street, Thannuthu, Tirunelveli – 627 857.

This petition coming for final hearing before me on this court on 19.02.2026 in the presence of M. Kalidas Advocate for petitioner and upon hearing petitioner side arguments, perusing the petition and other relevant documents, and having stood over for consideration till this day, this court delivered the following,

**ORDER**

The petitioner namely PNB Housing Finance Ltd, Tirunelveli represented by its Authorised Officer has filed this application under section 14(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 seeking appointment of Advocate Commissioner to take possession of the Secured asset mentioned below....

**Schedule of Property**

Tenkasi Registration District, Veerasigamani Sub Registration Office, Kulasekaramangalam Village, Punja Survey No.428/2A, to an total extent of 728.5 Sq. ft Re survey 428/15A within the boundaries of:

North – East west Street

South – Nagarajan House

West – Iyyendiran Land

East – Iyyendiran Land

Measurement:-

North – East west 15 1/2 ft

South – East west 15 1/2 ft

East – South North 47 ft

West – South North 47 ft

Total 728.5 Sq.ft value Rs. 2500000/-

2) The petitioner is a banking company. The deponent is the authorized officer exercising powers on behalf of PNB Housing Finance Ltd, Tirunelveli. It transpires that the respondents have availed a banking loan of Rs.10,48,140/- on 13.01.2024 and created an equitable mortgage in favour of the petitioner on 16.02.2024 by depositing title deeds. They have executed a memorandum of deposit of title deeds dated 16.02.2024 confirming the mortgage. But the respondents have committed default in repayment of Principal and Interest. The petitioner has issued demand notice on 08.08.2025 under section 13(2) of SARFEASI Act and 60 days time was granted under notice. The respondents are to repay a sum of Rs.10,92,457.02/-. The total outstanding amount of the respondents are Rs.11,90,334/- as on 22.11.2025 . But the respondents did not send any reply despite receiving the notice. The petitioner has taken symbolic possession of the secured asset on 28.10.2025. The possession notice was duly published in Tamil & English News Paper on 01.11.2025. The Petitioner has also declared that the property is not in possession of any lessee under any valid lease and the same is also confirmed from the encumbrance certificate taken for the period from 01.01.2013 to 18.11.2025. There is no stay or injunction in any court or Tribunals restraining the petitioner bank from taking possession of the secured assets under the provisions of the sarfaesi act.

3) As per the SARFAESI Act, the petitioner who is the secured Creditor may take possession of the secured asset under section 13 of the said act. The petitioner can file application before this court to seek assistance for taking possession of the property hypothecated. As per the section 14 of the Act, this court can take possession of such Asset and the documents relating thereto from the respondents and forward to the secured creditor.

4) The petitioner contended that the respondents are in possession of the secured Asset and declined to surrender vacant possession of the property to the petitioner and so they have filed this petition seeking assistance of the court for taking possession of the schedule property.

5) Section 14 of the Act does not contemplate any notice to the respondents before passing any order under this section.

6) Considering the above and the documents including the Sanction Letter, MOD, EC and demand notice issued by the petitioner, this court is satisfied that the respondents have defaulted in repayment of loan amount and the loan amount is not barred by limitation and the schedule property offered as security of the loan is located within the jurisdiction of this court. Petitioner proved that there is compelling situation arose for the petitioner to realise the loan amount by taking necessary action for taking actual possession of the secured asset for sale or for transfer. Thus, this court finds for it is necessary to appoint an Advocate Commissioner for identification of the secured Asset and taking possession and if there is any resistance, seek for police assistance and take effective step to have possession of the secured Asset. Described in the schedule after taking proper inventory and also to handover the possession of the property to the petitioner bank, and as such this petition is liable to be allowed.

7) In the result, this Petition is allowed, thereby appointing **S. Vijayaraj, M/s.1619/2022, Phone No.9942103395** as an Advocate Commissioner.

1. To inspect the property and prepare a magazar with details of the properties along with photos.
2. Take inventories:
3. Take physical possession from the respondents in the presence of VAO and immediately hand over to the Petitioner / secured creditor
4. If necessary take assistance of Police and Revenue Officials in executing the Warrant.
5. If the secured assets is not in the possession of the respondents intimate to the court about the particulars in whose possession it vests.

A sum of Rs.25,000/- is fixed as remuneration for the said Advocate Commissioner. The petitioner shall give 50% of the said remuneration to the commissioner immediately and 50% at the time of Inspection. **Report by 06.04.2026.**

Chief Judicial Magistrate,  
Tenkasi.

**Petitioner side Documents:**

Ex.P1	21.01.2025	Authorization Letter (photo copy)
Ex.P2	13.01.2024	Sanction Letter (photo copy)
Ex.P3	19.01.2024	Loan Agreement (photo copy)
Ex.P4	03.12.2019	Settlement Deed in the name of 1 <sup>st</sup> Respondent Doc.No.2909/2019 (photo copy)
Ex.P5	16.02.2024	Memorandum of Deposits of title Deed document No.369 Of 2024 (photo copy)
Ex.P6	08.08.2025	Demand Notice U/s.13 [2] of SARFAESI (photo copy)
Ex.P7	26.08.2025	Paper Publication (photo copy)
Ex.P8	28.10.2025	Possession Notice under section 13(4) SARFAESI Act (photo copy)
Ex.P9	01.11.2025	Thinamani in Tamil Paper Publication (photo copy)
Ex.P10	01.11.2025	The New Indian Express in Paper Publication (photo copy)
Ex.P11	22.11.2025	Loan Account Statement (office copy)
Ex.P12	19.11.2025	Encumbrance Certificate from 01.01.2013 to 18.11.2025 (Online copy)
Ex.P13	10.11.2003	Gazette Notification (photo copy)

Chief Judicial Magistrate,  
Tenkasi.