

Proceedings of the Chief Judicial Magistrate Court, Tenkasi District.

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

Tuesday the 10 day of March 2026

Criminal Miscellaneous Petition No.552/2025

Petitioner:	Manapuram Home Finance Ltd., represented by Mr.G.S.Vijaykumar, Branch Manager & Authorised Officer, 43R /71, Shah Complex, Rajendra Nagar, Palayamkottai, Tirunelveli District.
Respondents	1) M.Sudhakar. S/o.Manickamuthu, D.No.168, South street, Alaganeri, South Kuruvikulam Village, Sankarankovil Taluk, Tenkasi District-627754.
	2) S.Ranjani, W /o.Sudhakar, D.No. 168, South street, Alaganeri, South Kuruvikulam Village, Sankarankovil Taluk, Tenkasi District-627754.

This petition coming for final hearing before me on this court on 25.02.2026 in the presence of Tr. M. Jothimurugan, 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 Manapuram Home Finance Ltd., Tirunelveli Branch 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

Palayamkottai Registration District, Kalugumalai Sub Registrar Office, House bearing Door No.4/356-6 construed on the vacant to the extent of 202.50 sqmeter = centre side 5 cents out of 47 cents = 0.19.0 HA in Ayyan Punja SNo.88/2T (New Sub- Division no:88/2T4) in South Kuruvikulam Village, Sankarankovil Taluk, Tenkasi with all appurtenant, Bounded by

North- Site belong to Thirupathi

South- East west Varukal

East - 6 cents belong to Vijayaraj

West- 7 cents land belong to Ramachandran

The land comprised of Single Floor house building and land is a not a agricultural land.

2) The petitioner is a banking company. The deponent is the authorized officer exercising powers on behalf of Manapuram Home Finance Ltd., Tirunelveli Branch. It transpires that the respondents have availed a banking loan of Rs.5,10,623/- on 19.04.2023 and created an equitable mortgage in favour of the petitioner on 24.04.2023 by depositing title deeds. They have executed a memorandum of deposit of title deeds dated 24.04.2023 confirming the mortgage. But the respondents have committed default in repayment of Principal and Interest. The petitioner has issued demand notice on 18.04.2024 under section 13(2) of SARFEASI Act and 60 days time was granted under notice. The respondents are liable to pay a sum of Rs.5,28,192/- on 18.04.2024. The respondents are repay the total outstanding amount a sum of Rs.5,28,192/- on 18.04.2024 with further interest costs to the petitioner bank. But the respondents did not send any reply despite receiving the notice. The petitioner has taken symbolic possession of the secured asset on 01.07.2024. The possession notice was duly published in Tamil & English News Paper on 05.07.2024. 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 01.01.1987 to 16.04.2023 and 01.01.2010 to 20.04.2023 and 21.04.2023 to 28.08.2024. 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 **T. Jeyaram, M/s.8239/2022, Phone No.7708746136** 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 10.04.2026.**

Chief Judicial Magistrate,
Tenkasi.

Petitioner side Documents:

Ex.P1	19.04.2023	Loan application
Ex.P2	19.04.2023	Loan Sanction Letter
Ex.P3	24.04.2023	Home Loan agreements
Ex.P4	24.12.2010	Memorandum of Registration of Equitable Mortgage document No.1296/2023 executed by the Respondent No.1
Ex.P5	21.04.2023	Sale Deed document No.3893/2010 of Sub Registrar office, Surandai.
Ex.P6	21.04.2023	Encumbrance Certificate 01.01.1987 to 16.04.2023
Ex.P7	29.08.2024	Encumbrance Certificate 01.01.2010 to 20.04.2023
Ex.P8	18.04.2024	Encumbrance Certificate 21.04.2023 to 28.08.2024
Ex.P9	29.04.2024	Demand Notice under section 13 (2) and its postal receipt & tracking proof
Ex.P10	29.04.2024	News Paper publication of demand notice in Trinity Mirror
Ex.P11	29.04.2024	News Paper publication of demand notice in Makkalkural
Ex.P12	01.07.2024	Possession notice, postal receipt & tracking proof
Ex.P13	05.07.2024	News paper publication of Possession notice in Tirinity Mirror
Ex.P14	05.07.2024	News Paper publication of Possession notice in Makkalkural
Ex.P15	20.07.2024	Statement of Account
Ex.P16	29.03.2022	House Tax receipt (D.No.4/356-6)
Ex.P17	02.12.2020	TNEB Receipt (SC No.07-049-002-546)
Ex.P18	20.04.2023	Legal Opinion
Ex.P19	29.08.2024	Current Due particulars
Ex.P20	22.12.2021	Appointment letter of Authorised Officer G.S. Vijayakumar
Ex.P21	--	Petitioner Adhar Card

Chief Judicial Magistrate,
Tenkasi.