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IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUPATHUR,
TIRUPATHUR DISTRICT.

Present : **Selvi.M.K.Anusha, M.L.,**
Chief Judicial Magistrate,
Tirupathur.

Wednesday this the 13th day of May 2026
Thiruvalluvar Aandu 2057, Siri Parabhava Aandu 30th day of Chithirai Thingal.

CrI.M.P.No.754/2026
CNR.No. TNTU020015762026

M/s. Vastu Housing Finance Corporation Limited,
Chennai Branch,
Represented by its
Authorized Officer Mr.Venkatesan (Age 44)
Son of Ganesan,
Having office at Josmans Complex,
2nd Floor, MC Nichols Road,
Chennai-6000031

.....Petitioner.

// Versus //

1. Mr. J.Rubanjayapandian, (Age 43),
S/o. Jayachandiran.

2. Mrs.R.Ruth, (Age 42),
W/o. J.Rubanjayapandian.
Both are Residing at No.1 A, 3rd Street,
Sriramapuram, Vaniyambadi, Ambur,
Vellore, Tamil Nadu 635802.

.....Respondents.

CrI.M.P. No.754/2026
Date:-13.05.2026

M.K.Anusha,
C.J.M., Tirupathur



This petition came up before me for final hearing on 13.05.2026 in the presence of **Tr. J.Samuel Vijay, M.F.T., L.L.B.**, Counsel for the petitioner, after considering the facts and circumstances of the petition considering the materials available records and after hearing arguments, having stood over for consideration till this day this Court passes the following

ORDER

1.The petitioner i.e., Vastu Housing Finance Corporation Limited, has filed this application U/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 to pass appropriate orders and issue necessary directions, by appointing an Advocate Commissioner to take vacant physical possession of the properties which is more fully described in the schedule hereunder, to direct the Station officer Ambur Police Station to assist and accompany in taking the vacant and physical possession of the property, to handover vacant and physical possession of the said Secured Asset to the Petitioner pursuant to the provisions of the said Act and to grant such further or other relief and reliefs as this Honourable Court may deem fit and proper circumstances of the case and thus render justice.

2. The Brief Averments of the Complaint is as follows :-

2.1. The petitioner is Vastu Housing Finance Corporation Limited. The Respondents have approached the petitioner company for availing a home loan and the



borrowers have submitted the Loan Application dated 10.08.2023. The Petitioner states that based on the documents furnished by the respondents, the petitioner Bank had sanctioned the said home loan for a sum of Rs.30,00,000/- (Rupees Thirty Lakh Only), loan agreement 31.08.2023. The Sanction Letter dated 31.08.2023. The Respondents by a Memorandum of Deposit of Title Deed dated 19.09.2023. Sale Deed dated 14.09.2023. The Encumbrance Certificate dated 05.09.2025. The respondent have committed wilful default in payment of the outstanding dues. The equated monthly installments agreed to be repaid remained unpaid and the account of the respondents was declared as a Non Performing Asset on 05.03.2025. In spite of various demands and requests, the Respondents had not come forward to discharge the liability. The Statement of Accounts dated 28.03.2025. Accordingly a demand notice under section 13(2) of the said Act was issued to the Respondents on 15.03.2025, calling upon them to pay the total outstanding amount of Rs.31,73,968/- (Rupees Thirty One Lakh Seventy Three Thousand Nine Hundred Sixty Eight Only) regarding the above said loans.

2.2. Even after the expiry of the statutory period of 60 days from the date of service of the demand notice, the respondents have not come forward to repay the dues. The Respondents have objected the officials of the Petitioner and hence the Authorized Officer of the petitioner had taken symbolic possession of the secured asset on 17.07.2025. The Possession Notice has been published in two daily newspapers (i.e.,)



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Trinity Mirror English 18.07.2025 and Makkal Kural Tamil daily on 19.07.2025. There is no stay pending in any court regarding this property. Foreclosure letter dated 09.03.2025. Hence, the petitioner approached this Court.

3. Proceedings before the Court :-

3.1. After filing this application the same was taken on file after considering the documents filed along with the petition.

3.2. The Hon'ble High Court in the Judgment reported in 2009 (2) MLJ (Crl) page 246 Indian Overseas Bank Vs M/s Sree Aravindh Steels Limited and others as held as follows

3.3. "CMM/DM acting under section 14 of the NPA Act is not required to give notice either to the borrower or to the 3rd party".

By applying the said principle in the given case no notice is order to the respondent.

3.4. Hence, no notice was served and the application was taken for enquiry. The Authorized Officer **Venkatesan S/o Ganesan** was examined as PW.1 and documents were marked as **Ex.P.1 to Ex.P.15**.

3.5. The petitioner would submit that the respondent is a chronic defaulter of payment of loan, the said loan was classified as non-performing asset and thereafter notice was issued and in pursuance of the same Symbolic Possession was takeover, now the petitioner seeking assistance of this Court for taking actual possession of the



property and he prayed to appoint for Commissioner to assist the petitioner for taking actual possession of the property.

4. Point for Consideration :-

4.1. Whether is this Court has to extend assistance to the Petitioner for taking actual possession of Schedule mentioned property as prayed ?

4.2. The evidence of PW.1 and the documents marked as Ex.P.1 to Ex.P.15 were carefully perused. The originals of the said were perused and the Xerox copy is alone is marked.

4.3. On perusal of the Ex.P.1 Power of Attorney dated 10.10.2025, Ex.P.2 Loan Application dated 10.08.2023, Ex.P.3 Sanction Letter dated 31.08.2023, Ex.P.4 loan agreement executed by the Respondents in favour of the Petitioner Bank dated 31.08.2023, Ex.P.5 Memorandum of deposit of title deeds dated 19.09.2023, Ex.P.6 Sale Deed Registered in favour of respondents registered dated 14.09.2023, Ex.P.7 Encumbrance Certificates dated 05.09.2025, Ex.P.8 Statement of Accounts dated 28.03.2025, Ex.P.9 Demand Notice dated 15.03.2024, Ex.P.10 Postal receipt and Tracking Details dated 17.03.2025, Ex.P.11 Possession Notice dated 17.07.2025, Ex.P.12 Postal Receipt and Tracking Details dated 24.07.2025, Ex.P.13 Photo Affixture of Possession Notice dated 17.07.2025, Ex.P.14 Publication of Demand Notice publicity Trinity Mirror and Makkal Kural dated 18.07.2025 and 19.07.2025, Ex.P.15 Foreclosure



Statement dated 09.03.2025. The respondent after obtaining the loan from the petitioner has failed to repay the loan and the same became non-performing assets. In pursuance of the same demand notices were sent and Symbolic possession was also taken. However, in order to take physical possession of the property the petitioner has come forward with the present application. The petitioner also submitted that no similar petition is pending in any other forum and no stay is granted by any other forum.

4.4. Considering the facts and circumstances of this case, this Court is of the view that the petitioner must be extended assistance for taking physical possession of the property. In order to take the physical possession of the property it is necessary to appoint the Advocate Commissioner for the same.

4.5. All the documents marked on the side of the petitioner, and the evidence let in on behalf of the petitioner. It is quite evidence the respondent by mortgaging their property has obtained loan. But, the respondent has not repaid the loan amount and became a defaulter. As the respondent as a security for the loan amount as mortgaged the property in favour of the petitioner, then the petitioner is entitled to realize the loan amount by taking over the property. In order to take physical possession of the property the petition filed by the petitioner is allowed.

In the result, the petition is allowed, as follows



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1. Mr. V.Gopinath, Advocate, Ms.No.1280/2022, Cell No.9894836140, place of practice at Tirupathur as per ID card is appointed as Advocate Commissioner to take physical possession of the secured properties.

2. If necessary, the Advocate Commissioner shall take police protection by submitting written request to the concerned police station house officer by stating reason for the same.

3. A sum of Rs. 30,000/- is ordered as remuneration to the Advocate Commissioner in which Rs.10,000/- has to be paid directly to the Advocate Commissioner by the petitioner initially and the balance of Rs.20,000/- has to be paid on execution of the warrant.

4. The Advocate Commissioner shall execute the warrant without causing any physical harm to the inmates and as per law. He Shall execute the warrant within 30 days from the date of issuance of warrant and submit report to this Court.

5. Further, it is strictly instructed to the Learned Advocate Commissioner should follow the direction without any deviation from the lawful execution and to avoid any kinds of collusion or conspiracy with the Respondent till the termination of this legal proceedings.

6. Issue Commissioner Warrant. Call on 10.06.2026.



Directly dictated by me to the Steno-Typist and typed by the Computer directly, corrected and pronounced by me in Open Court on the 13th day of May 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

1. Witnesses on the side of the Petitioner :-

1.	PW.1	Mr. Venkatesan, Authorized Officer.
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2. Exhibits on the side of the Petitioner :-

S.No.	EXHIBITS	DESCRIPTION OF THE DOCUMENTS
1.	Ex.P.1	Power of Attorney dated 10.10.2025.
2.	Ex.P.2	Loan Application dated 10.08.2023.
3.	Ex.P.3	Sanction Letter dated 31.08.2023.
4.	Ex.P.4	Loan agreement executed by the Respondents in favour of the Petitioner Bank dated 31.08.2023.
5.	Ex.P.5	Memorandum of deposit of title deeds dated 19.09.2023.
6.	Ex.P.6	Sale Deed Registered in favour of respondents registered dated 14.09.2023.
7.	Ex.P.7	Encumbrance Certificates dated 05.09.2025.
8.	Ex.P.8	Statement of Accounts dated 28.03.2025.
9.	Ex.P.9	Demand Notice dated 15.03.2024.
10.	Ex.P.10	Postal receipt and Tracking Details dated 17.03.2025.
11	Ex.P.11	Possession Notice dated 17.07.2025.



12	Ex.P.12	Postal Receipt and Tracking Details dated 24.07.2025.
13	Ex.P.13	Photo Affixture of Possession Notice dated 17.07.2025.
14	Ex.P.14	Publication of Demand Notice publicity Trinity Mirror and Makkal Kural dated 18.07.2025 and 19.07.2025.
15	Ex.P.15	Foreclosure Statement dated 09.03.2025.

Schedule of Property

All the piece and parcel of the land and building in Plot No.18 and Northern portion of Plot No.19 situated at Mittalam Village, Ambur Taluk, Tirupattur District., measuring 2640 Sq.Ft of land comprised in Old Survey No.198/2C and as per Sub-division New Survey No. 198/2C1A within the Sub-Registration District of Ambur and Registration District of Tirupattur within the boundaries hereunder:-

Boundaries	Extents
East by: Property of Eswaran	Measuring
West by: 15 Ft Street	On the Northern Side: 66 Ft
North by: Plot No.17 belongs to Anbu	On the Southern Side: 66 Ft
South by: Remaining Southern Portion of Plot No.19	On the Eastern Side: 40 Ft
	On the Western Side: 40 Ft
	Admeasuring 2640 Sq.ft of land and building

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

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