

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUVARUR
PRESENT : Tmt.Dr.R.Latha M.A., M.L., Ph.D.,
Chief Judicial Magistrate, Tiruvarur

Friday, the 29th day of May 2026

Crl.M.P. No.288/2026

M/s.Axis Bank Limited,
Represented by its Authorized Officer,
Mr. Devakirubai Daniel,

.....Petitioner

- Vs. -

1) Mr. A. Rajendran,
S/o. Arumugam,
No.11,East South Street,
Magarajapuram,
Thirumakkottai Post,
Mannargudi Taluk,
Thiruvarur 614 017.

2) Mr. A. Mahendran,
S/o. Arumugam,
No.680/1, East Street,
Thirumakkottai Post,
Mannargudi Taluk,
Thiruvarur 614 017.

3) Mr. R. Thangavelraja,
No.11,East South Street,
Magarajapuram,
Thirumakkottai Post,
Mannargudi Taluk,
Thiruvarur 614 017.

.....Respondents

This Petition came up on 26.05.2026 for final hearing before this Court in the presence of **Thiru. P. Veeramalai** the learned Counsel for the Petitioner and upon hearing this court delivered the following,

ORDER

1) The Petitioner has filed this petition U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 seeking to appointment of Advocate commissioner to take physical possession of secured Properties.

2) Crux of the Petition :

The Respondents have availed loan failed to repay the several EMIs. So, the petitioner has classified the Respondents's loan account non-performing Assets on 09.01.2022. Subsequently, on 18.07.2022 the petitioner company issued the demand notice U/s.13(2) of SARFAESI Act to the Respondents by granting 60 days time for repaying the loan amount a sum of Rs.12,90,735.62/- as on 30.06.2024. The above said notice was served to the Respondents. After the petitioner issued a possession notice dated 17.05.2023 U/s.13(4) of the SARFEASI Act to the Respondents in respect of the schedule mention property for a sum of Rs.12,90,735.62/- as on 30.06.2024 with the interest and other charges thereon payable by the Respondents to the petitioner. In this regard, On the day of 20.05.2023 the petitioner issued a paper publication by advertizing the possession notice vide **The New Indian Express** English edition daily newspaper and also issued Vernacular **Dinamani** newspaper. In spite of the possession notice so far, the respondents have not repaid the loan amount. Now the total amount outstanding is Rs.12,90,735.62/- as on 30.06.2024. The petitioner cannot take physical possession of the secured asset without assistance of the Court and Police. Therefore, prayed to appoint Advocate Commissioner for taking physical possession of the Schedule mentioned property.

3) Heard the petitioner and perused the documents.

4) On perusal of entire records, it is made clear that the respondents obtained Property Loan from the petitioner bank and failed to repay the loan amount. Further on the date of Rs.12,90,735.62/- as on 30.06.2024. The respondents executed equitable mortgage for the petition mentioned properties to the petitioner bank. On perusal of Proof Affidavit and the Documents the petitioner complied the provision of Sec.13(2) and 13(4) of the SARFAESI Act. Hence, the petitioner is entitled to taking physical possession of schedule mentioned property.

5) In the result, the Petition is allowed, Advocate **Thiru. P. THIYAGARAJAN, Enrollment No.1739/2019** is appointed as Advocate Commissioner to take physical possession of schedule mentioned properties, after taking inventory if necessary by the assistance of the Station House Officer, **PERALAM POLICE STATION** and to hand over the same to the Petitioner and report the same to the court. In the event of any obstruction, the learned Advocate commissioner is hereby permitted to break open and took possession of the schedule property.

A sum of Rs.30,000/- (Rupees Thirty Thousand Only) is fixed as remuneration to the Advocate/ Commissioner. The petitioner is hereby directly to pay the Advocate/Commissioner fee within 15 days from the date of order. The Advocate/ Commissioner shall execute the warrant without causing any physical harm to the inmates and to execute the warrant within 60 days from the date issue of warrant. With these direction, this petition is closed. No cost.

SCHEDULE OF PROPERTY

Nagapattinam Registration District, Mannargudi Sub Registration District, Mannargudi Taluk, No.67, Thirumakottai II Revenue Village, Maharajapuram Village, the Property comprised in Survey No.328B/6 an Extent of Hec.0.10.50 Ares, Eqrivalent to 1050 Sqq.Mts equivalent to 11,302 Sq Ft, out of hect 0.210.0 Ares, together with R.C.C Terraced House an extent of 594 Sq.Ft (55.19 Sq. Mt.,) electricity service connection No.1364, Panchayat Road pathway on the East West 210 Feet and North South 14 Feet Four Sides measurement and all easement right is situated within the following.

Bounded on the

North by : Ambigapathi Property

South by : Mahendran Property

East by : Pugalendhiran and Sarriyappan Property

West by : Mahendran Property

Dictated to the steno-typist, transcribed by her, corrected and pronounced by me in the open court on 29th day of May 2026.

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**

PETITIONER SIDE WITNESS :-

P.W.1-Mr. Devakirubai Daniel

PETITIONER'S SIDE EXHIBITS :-

Exhibit 1	On 03.04.2025 Authorization Letter- Xerox
Exhibit 2	On 08.07.2016 Loan Application - Xerox Compared with Original

Exhibit 3	On 12.07.2016 Loan Sanction Letter - Xerox Compared with Original
Exhibit 4	On 13.07.2016 Loan Agreement - Xerox Compared with Original
Exhibit 5	On 28.03.2016 Release Deed - Xerox Compared with Original
Exhibit 6	On 13.07.2016 Memorandum of deposit deed-Xerox Compared with Original
Exhibit 7	On 18.07.2022 Demand Notice U/s.13(2) issued under sarfaesi Act 2002 with Acknowledgement and receipt Cards - Xerox Compared with Original
Exhibit 8	On 11.12.2022 Paper Publication issued u/s.13(2) of the Sarfaesi Act in Dinamani Tamil - Original
Exhibit 9	On 11.12.2022 Paper Publication issued u/s.13(2) of the Sarfaesi Act in The New Sunday Express - Original
Exhibit 10	On 17.05.2023 Possession Notice U/s.13(4) issued under sarfaesi Act 2002 with Acknowledgement and receipt Cards - Xerox Compared with Original
Exhibit 11	On 20.05.2023 Paper Publication issued u/s.13(4) of the Sarfaesi Act in Dinamani Tamil - Original
Exhibit 12	On 20.05.2023 Paper Publication issued u/s.13(4) of the Sarfaesi Act in The New Sunday Express - Original
Exhibit 13	On 17.05.2023 u/s.13(4) Affixture Photo - Xerox Compared with Original
Exhibit 14	On 25.07.2025 Statement of Accounts - Online Copy
Exhibit 15	On 02.08.2025 Encumbrance Certificate-Online copy

**CHIEF JUDICIAL MAGISTRATE
TIRUVARUR**