IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

PRESENT : Thiru.R.V. Rajakumar, B.L.,
Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur
Wednesday this the 24th day of June 2026

Crl.M.P.No.498/2026
(CNR No.TNVR02-001168-2026)

M/s.Mahindra Rural Housing Finance Ltd.,
Having Corporate Office,
New No.149/1, 1st Floor,
Kodampakkam High road,
T.Nagar, Chennai - 600 017
Having Branch Office at
519-1F, Opposite Petchiyamman Kovil,
PKN Road, Sivakasi.
Rep. by its Authorized Officer Mr.M.Prem Sarathi

... Petitioner

/ Vs /

1) **RAJENDRAN G**
S/o.Gopalsamy,
No.236, Aavarampatti,
A. Ramalingapuram,
Virudhunagar District - 626 137.

2) **SUNDARRAJ G**
S/o.Rajendran,
No.236, Aavarampatti,
A. Ramalingapuram,
Virudhunagar District - 626 137.

3) **BHAGAVATHI R**
W/o.Rajendran,
No.236, Aavarampatti,
A. Ramalingapuram,
Virudhunagar District - 626 137.

4) **MANIKANDAN R**
S/o.Rajendran,
No.7-22, Aavarampatti,
A. Ramalingapuram,
Virudhunagar District - 626 137.

... Respondents

This petition came for final hearing before this Court on 17.06.2026 in the presence of Mr.V.Sukumar, Advocate for the petitioner and upon hearing petitioner's side arguments, perusing affidavit, petition and other relevant documents, and having stood over for consideration till this day, this Court delivered the following :-

ORDER

1) This Petition has been filed by the petitioner seeking assistance under Section 14(1) of the Securitization And Reconstruction of Financial Assets And Enforcement of Security Interest Act 2002 (hereinafter referred to as SARFAESI Act).

2) The Case of the petitioner bank is that the bank had sanctioned a secured loan of Rs.9,00,000/- to the 1st respondent and the 2nd and 3rd respondents stood as Co-borrowers and the 4th respondent stood as Guarantor. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 08.01.2023. In order to realize the loan amount together with interest, the petitioner bank issued demand notice to the respondents under section 13(2) of the SARFAESI Act on 20.06.2025 calling upon the respondents to pay the dues to a tune of Rs.7,39,436.29/- as on 05.05.2025. The respondents though received the notice, they neither sent any reply nor paid the demand amount. Since, the respondents have not repaid the outstanding loan amount, the petitioner issued possession notice under Rule 8(1) of the SARFAESI Act on 31.01.2026. The possession notice was also published in English and Tamil Newspaper on 06.02.2026. The respondents have not surrendered physical possession and hence the petitioner has approached this court under section 14 of the SARFAESI Act to assist them in taking physical possession of the scheduled property.

3) Point for determination:

Whether the petitioner is entitled for assistance of this court in taking physical possession of the scheduled property under section 14 of the SARFAESI Act as prayed for?

4) The authorised officer of the petitioner bank has been examined as PW1 and Ex.P1 to Ex.P12 documents were marked. The submissions made by the learned counsel for the petitioner was heard and carefully considered and the exhibits produced by the petitioner were carefully perused.

5) Point and Answer:

(i) The petitioner is M/s.Mahindra Rural Housing Finance Ltd., which falls squarely within the definition of bank under section 2(1)(c) of the SARFAESI Act. The petitioner bank have produced Ex.P2, Authorization letter issued by Mr.Dinesh Prajapati, Chief Financial Officer and Mr.Hitesh Agrawal, Chief Risk Officer appointing Mr.Prem Sarathi as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1st respondent is the borrower. The 2nd and 3rd respondents stood as Co-borrowers and the 4th respondent stood as Guarantor. The respondents 1 to 4 have availed the Cash Credit loan facilities against the property of the 1st and 3rd respondents to an amount of Rs.9,00,000/-. Ex.P3, Loan Sanction letter shows that the respondents had availed loan as stated by the petitioner.

(iii) The loan has been sanctioned against the property of the 1st and 3rd respondents. Ex.P11 shows that the 1st and 3rd respondents are the absolute owner of the petition scheduled property. Ex.P4 is the Memorandum of deposit of title deed of the petition scheduled property executed by the 1st and 3rd respondents. The respondents 1 to 4 have thus created security interest over the scheduled property and the petitioner has valid and subsisting security interest over the scheduled property.

The Encumbrance Certificate of the scheduled property has been marked as Ex.P12. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P12, Encumbrance Certificate that the scheduled property is located in Achanthavilthan Village, Virudhunagar District and thereby within the jurisdiction of this Court. The respondents have thus created security interest over the scheduled property and the petitioner bank has valid and subsisting security interest over the scheduled property.

(iv) The respondents have defaulted in repayment of the loan amount obtained from the petitioner bank which is evident from Account Statements produced as Ex.P10. Hence, the loan has been declared as Non Performing Asset on 08.01.2023 as per the guidelines of the Reserve Bank of India.

(v) The 1st respondent is the borrower. The 2nd and 3rd respondents stood as Co-borrowers and the 4th respondent stood as Guarantor. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 to 4 demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P5. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by issuing Ex.P6, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P8, P9.

(vi) Though, the respondents have been served with the notice, they have not surrendered physical possession of the scheduled property. The authorized signatory of the petitioner bank has affirmed on oath that the respondents are purposely delaying surrender of possession of the scheduled property and that there is no stay granted against taking possession of the scheduled property. From the affirmation of the authorized signatory of the petitioner on oath and on perusal of the documents exhibited on the side of the petitioner, this court is satisfied that the petitioner bank has properly complied with the conditions precedent for invoking the provision under section 14 of the SARFAESI Act. Through the affidavit filed by the authorized signatory and through the exhibits marked on their side, the petitioner has satisfactorily established the default on the part of the respondents 1 to 4 in repayment of the loan amount; the loan amount is not barred by limitation; the scheduled property was offered as security for the loan amount secured and; the scheduled property is located within the jurisdiction of this court.

(vii) Thus, considering the above observations, this court finds it fit to issue proper direction to take physical possession of the secured assets described in the schedule of property 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.

In the result, this petition is allowed thereby appointing **Mr.G.Sundaramahalingam (MS No.7994/2024) (Ph.No.9360594248)** as Advocate Commissioner

1. to inspect the petition mentioned property after giving notice to both side;
2. to take inventories;
3. to take physical possession and immediately hand it over to the petitioner/secured creditor;
4. the Inspector of Police, Vanniyampatti Police station and the Concerned Village Administrative Officer are directed to provide suitable assistance to the Commissioner in executing the warrant in respect of the property.
5. the Advocate Commissioner may break open any locks put to the doors of the scheduled property if the same is necessary for handing over physical possession.

A sum of Rs.25,000/- is fixed as remuneration for the Advocate Commissioner. The remuneration has to be paid by the petitioner directly and immediately to the Advocate Commissioner. The Advocate Commissioner shall file a report before this court. The petitioner shall file an affidavit before the advocate commissioner swearing that no stay has been granted in this regard prior to the execution of the warrant.

R V RAJA KUMAR

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Date: 2026.06.24 15:25:51 +0530

Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.

SCHEDULE OF PROPERTY

All the Piece and Parcel of the property situated at Virudhunagar District, Virudhunagar District Registration Office, Keelarajakularaman Sub Registration Office, Achanthavilthan Village,

1. Sy. No.1256/2 land measuring 0.24.0 hect. i.e.59 cents,
2. Sy. No.1256/3 land measuring 0.34.0 hect. i.e.84 cents,
3. Sy. No.1257/3A land measuring 0.18.5 hect. i.e.46 cents,
4. Sy. No.1257/3B land measuring 0.06.5 hect. i.e.16 cents,
5. Sy. No.1123/5A land measuring 0.12.0 hect. i.e.30 cents,
6. Sy. No.1123/6Aa land measuring 0.06.5 hect. i.e.16 cents, in this leaving 7 cents from south west corner and the remaining land measuring 9 cents,

Thus totally measuring 2.44 Acres, Plotted out as house sites providing roads etc., and the same was approved by the President, Achanthavilthan Panchayat, in their proceedings No.2/9.2.2002, in this Plot No.32, measuring east west 33 fts, north south 40 fts, thus totally measuring 1320 sq.fts. i.e.3.03 cents bounded on the Presently sub divided in Survey No.1257/2A2 in Patta No.3864 with its all amenities and pathway rights with the following boundaries.

North	:	Plot No.25
South	:	20 fts width East West Street
East	:	Plot No.31 belongs to Pangarsamy
West	:	Plot No.33 belongs to Arumugam

Petitioner side Documents :

Ex.P.1	18.12.2025	Certificate and License of the petitioner	Xerox Copy
Ex.P.2	01.04.2025	Authorization letter issued by the Petitioner finance institution to its Employee namely M.Prem Sarathi	Xerox Copy
Ex.P.3	30.05.2018	Loan Sanction letter	Xerox Copy
Ex.P.4	09.08.2018	Memorandum of deposit of title deed in	Xerox Copy

		Doc.No.1942 of 2018 registered on the file of Sub Registrar Keelarajakularaman Virudhunagar	
Ex.P.5	20.06.2025	Demand Notice along with the postal receipts and tracking extract	Xerox Copy
Ex.P.6	31.01.2026	Possession Notice along with the Acknowledgment cards and postal booking receipts	Xerox Copy
Ex.P.7	31.01.2026	Photograph showing in the affixture of Possession notice	Xerox Copy
Ex.P.8	06.02.2026	Newspaper - The Hindu (Tamil Edition) Extract showing publication of possession notice	Xerox Copy
Ex.P.9	06.02.2026	Newspaper - The Times of India (English Edition) Extract showing publication of possession notice	Xerox Copy
Ex.P.10	26.02.2026	Statement of Account	Online Copy
Ex.P.11	02.07.2007	Sale deed in Doc No.1735 of 2007 file of the Sub-Registrar Keelarajakularaman, Virudhunagar	Xerox Copy
Ex.P.12	06.04.2026	Encumbrance Certificate	Online Copy

R V RAJA KUMAR

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Date: 2026.06.24 15:25:58 +0530

Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.

Chief Judicial Magistrate Court,
Virudhunagar District at
Srivilliputhur.
Cr.M.P.No.498/2026
Order Dated: 24.06.2026