

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
Tuesday this the 23rd day of June 2026
Crl.M.P.No.492/2026
(CNR No.TNVR02-001166-2026)

M/s.City Union Bank,
Virudhunagar Branch,
Virudhunagar District
Rep. by its Authorized Officer/Chief Manager
D. Ramasubramanian

... Petitioner

/ Vs /

- 1) **M/s.V.S.P.S.Nataraja Nadar & Son (HUF)**
No.110, South Car Street,
Virudhunagar - 626 001.
- 2) **Mr.V.S.N.N. Venkatesh Kumar**
(also as legal heir of Late.Mrs.N.Nagarathinammal)
S/o.V.S.N.Nagendran,
No.119, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.110, South Car Street,
Virudhunagar - 626 001.
- 3) **Mrs.V.Shanthi,**
W/o.V.S.N.N. Venkatesh Kumar,
No.119, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.110, South Car Street,
Virudhunagar - 626 001.
- 4) **Mr.V.Nithiban,**
S/o.V.S.N.N. Venkatesh Kumar,
No.119, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.110, South Car Street,
Virudhunagar - 626 001.

- 5) Mr.V.Arugan,
S/o.V.S.N.N. Venkatesh Kumar,
No.119, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.110, South Car Street,
Virudhunagar - 626 001.
- 6) **Mrs.Bhavani,**
(also as legal heir of Late.Mrs.N.Nagarathinammal)
D/o.Late.Mr.Nagendran,
No.110, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.119, South Car Street,
Virudhunagar - 626 001.
- 7) Mrs.Revathy
(also as legal heir of Late.Mrs.N.Nagarathinammal)
D/o.Late.Mr.Nagendran,
No.110, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.119, South Car Street,
Virudhunagar - 626 001.
- 8) Mrs.Sakthidevi
(also as legal heir of Late.Mrs.N.Nagarathinammal)
D/o.Late.Mr.Nagendran,
No.119, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.110, South Car Street,
Virudhunagar - 626 001.
- 9) Mrs.Maheswari
(also as legal heir of Late.Mrs.N.Nagarathinammal)
D/o.Late.Mr.Nagendran,
No.110, South Car Street,
Virudhunagar - 626 001.
Having another address at
No.119, South Car Street,
Virudhunagar - 626 001.

... 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.34,45,000/- and Rs.4,50,00,000/- to the 1st respondent. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 28.05.2025. 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 10.07.2025 calling upon the respondents to pay the dues to a tune of Rs.4,88,56,059/- as on 03.07.2025. 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 16.09.2025. The possession notice was also published in English and Tamil Newspaper on 20.09.2025. 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. Further Petitioner submit that the respondent has brought a buyer Mr.Ravichandran and his group has purchased the Schedule A property as mentioned in main petition and the said property was relased by the petitioner bank. The Petitioner submit that the bank has restricted its claim as against the Schedule B,C and D detailed in main petition.

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.P18 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.City Union Bank., 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 Deputy General Manager appointing Mr.D.Ramasubramanian as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1st respondent is the borrower. The 2nd , 6th to 9th respondents are the legal heirs of Mrs.N.Nagarathinammal (Died). The respondents 1 to 9 have availed the Cash Credit loan facilities against the property of the 2nd and 3rd respondent to an amount of Rs.34,45,000/- and Rs.4,50,00,000/-. Ex.P3 and P4, Loan Sanction letters shows that the respondents had availed loan as stated by the petitioner.

(iii) The loan has been sanctioned against the property of the 2nd and 3rd respondents. Ex.P15 and P16 shows that the 2nd and 3rd respondents are the absolute owner of the petition scheduled property. Ex.P5 and P6 were the Memorandum of deposit of title deed of the petition scheduled property executed by Mrs.N.Nagarathinammal(Died), 2nd and 3rd respondents. Ex.P8 shows that the 2nd , 6th to 9th respondents are the legal heirs of Mrs.N.Nagarathinammal (Died). The

respondents 1 to 9 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.P17. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P17, Encumbrance Certificate that the scheduled property is located in Virudhunagar 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.P14. Hence, the loan has been declared as Non Performing Asset on 28.05.2025 as per the guidelines of the Reserve Bank of India.

(v) The 1st respondent is the borrower. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 to 9 demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P9. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by issuing Ex.P10, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P12, P13.

(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 9 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.V.Muneeswaran (MS No.3418/2023) (Ph.No.8870542583)** 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, Virudhunagar Bazaar Police station and the Village Administrative Officer, Virudhunagar 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.

**Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.**

SCHEDULE OF PROPERTY
Schedule B

The site together with superstructure now existing and constructed thereon at the following properties: Virudhunagar Registration District, Virudhunagar Joint II Sub Registrar Office, Virudhunagar Municipal Town, Survey Ward No.5, Gurunathan Kovil Street, Residential House Door No.45 in T.S.No.58 Part

Boundaries:

East: 10 feet wide South-North common pathway

West: T.S.No.65 & 67 Nataraja Nadar (N.Nagendran) & Jegatheesan building and 3/4 feet land

North: T.S.No.58 Part, the property of Rajammal & 5 feet circle path

South: T.S.No.64, the compound wall of property of Virudhunagar Hindu Nadars,

Within the measuring there are four portions: The Western 1st portion, East to West on Northern side & Southern side is 16 feet and South to North on Eastern side & Western side is 44 feet. Total area is 704 Sq. ft

In the East of 2nd portion, North, east to west 65 1/2 feet, South, east to west 64 1/2 feet, East, South to North 33 1/4 feet, West, south to north 33 1/4 feet. Total area is 2161 1/4 Sq.ft.

On the North of 2nd portion, the 3rd portion, east to west on Northern side & Southern side is 4 1/2 feet and south to north on Eastern side & Western side is 10 feet. Total

area is 45 Sq.ft.

On the East of 3rd portion, the 4th portion, east to west on Northern side & Southern side is 61 feet and south to north on Eastern side & Western side is 5 feet. Total area is 305 Sq.ft. The said all 4 portions area is 3215.25 Sq.ft. vacant site and its superstructures building with all its fixtures, electrical fittings and easementary rights. The property is within Virudhunagar Municipal limit.

Schedule C

The site together with superstructure now existing and constructed thereon at Virudhunagar Registration District, Virudhunagar Joint II Sub Registrar Office, Virudhunagar Municipal Town, Survey Ward No.5, South Car Street, Residential house Door No. 119 in T.S.No.4

Boundaries:

East: T.S.No.5, the house & common wall of S.P.G.Ramasamay Nadar,

West: T.S.No.2, the house & common wall of Guruvammal

North: T.S.No.411, South Car Street

South: T.S.No.3, the house & common wall of Periasamy Nadar.

Within the measuring, with exclusive wall right on the Northern side and common wall right on the other three sides, East to West on Northern side & Southern side is 17 3/4 feet, and south to north on Eastern side & Western side is 25 3/4 feet. Total area is 457.06 Sq.ft, (42.461 Sq.mtr) vacant site and its superstructures building with all its fixtures, electrical fittings and easementary rights. The property is within Virudhunagar Municipal limit.

Schedule D

The site together with superstructure now existing and to be constructed thereon at the following properties: Virudhunagar Registration District, Virudhunagar Joint II Sub Registrar Office, Virudhunagar Municipal Town, Survey Ward No. 18, Ramamoorthy Road (From Government Hospital East point to Professors colony limit) (Rajaji Nagar Development planning Scheme) Block No. 13, T.S. No.794 part in Northern part, vacant site.

Boundaries:

East: The lands in T.No.791 and 795

West: The land in T.S. No.793

North: S.S.Subbaiah Nadar high School Building

South: 20 feet wide East to West common pathway

Within the Measuring, including to 10 feet land on the South Side 20 feet common pathway, East, South to North 52½ feet & West, South to North 28½ feet, North, East to West 242½ feet & South, East to West 252 feet, Total area is 10013.63 Sq.ft (930.288 Sq.mtr.) land with all the easementary rights. The said land is a part of old Paimash No.318/3, Survey No.817 out of 1 acre 45 cents of Allampatti Village. Now in Virudhunagar Municipal limit.

Petitioner side Documents :

Ex.P.1		Certification and License of the Petitioner Bank	Xerox Copy
Ex.P.2	27.12.2022	Authorisation letter issued by the Petitioner Bank to its employee namely Mr. D. Ramasubramanian	Xerox Copy
Ex.P.3	01.12.2021	Loan Sanction Letter	Xerox Copy
Ex.P.4	31.12.2022	Loan Sanction Letter	Xerox Copy
Ex.P.5	26.07.2022	Memorandum of Deposit of the Title Deed in Document No.5505 of 2022 registered on the file of the Sub-Registrar, (Joint-II) Virudhunagar, Virudhunagar District	Xerox Copy
Ex.P.6	25.03.2023	Memorandum of Deposit of the Title Deed in Document No.2151 of 2023 registered on the file of the Sub-Registrar, (Joint-II) Virudhunagar, Virudhunagar District	Xerox Copy
Ex.P.7	25.04.2023	The Death Certificate of Mrs. N. Nagarathinammal	Xerox Copy
Ex.P.8	26.05.2023	Legal Heirship Certificate of Mrs.Nagarathinammal	Xerox Copy

Ex.P.9	10.07.2025	Demand Notice along with received endorsements along with return envelops and Acknowledgement Cards	Xerox Copy
Ex.P.10	16.09.2025	Possession Notice along with acknowledgement cards	Xerox Copy
Ex.P.11	16.09.2025	Photograph showing the affixture of Possession notice	Xerox Copy
Ex.P.12	20.09.2025	Newspaper – Dinamani (Tamil Edition) Extract showing Publication of possession notice	Xerox Copy
Ex.P.13	20.09.2025	Newspaper – The New Indian Express (English Edition) Extract showing Publication of possession notice	Xerox Copy
Ex.P.14	23.12.2025	Statement of Account of the respondent	Xerox Copy
Ex.P.15	12.06.2009	Settlement deed in Document No.4418 of 2009	Xerox Copy
Ex.P.16	13.06.1995	Unregister will deed in Document No.5 of 1995	Xerox Copy
Ex.P.17		Encumbrance Certificate	Xerox Copy
Ex.P.18	04.06.2026	Partial Discharge Receipt No.3599 of 2026 on the file of Sub Register Joint II Virudhunagar.	Xerox Copy

**Chief Judicial Magistrate,
Virudhunagar District at
Srivilliputhur.**

**Chief Judicial Magistrate Court,
Virudhunagar District at
Srivilliputhur.
Cr.M.P.No.492/2026
Order Dated: 23.06.2026**