

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

PRESENT : Thiru.M.Veeranan, M.A.,LLM.,

Chief Judicial Magistrate,

Virudhunagar District at Srivilliputhur

Monday this the 29th day of September 2025

CrI.M.P.No.373/2025

(CNR No.TNVR02-001485-2025)

M/s.AXIS Bank Limited,
2nd Floor, Door No.31, Old No.14,
South Mada Street, Mylapore,
Chennai - 600004.

Represented by its authorised officer,
Mr.K.Gladson,

... Petitioner

/ Vs /

- 1) ***M/s.Selvi Broilers,**
1/923-3, Mallankinaru Road,
Rosalpatti, Virudhunagar - 626 001.
- 2) Mrs.Selvi M (Proprietor of ***M/s.Selvi Broilers**)
1/1134, Mallikittangi Road, Pandiyan Nagar,
Rosalpatti, Virudhunagar - 626 001.
- 3) Mr. Maridurai S
S/o.Mr.Sangara Lingam,
1/1134, Mallikittangi Road, Pandiyan Nagar,
Rosalpatti, Virudhunagar - 626 001.

... Respondents

(*Amended as per order in CrI.M.P.No.917/2025 dated 21.07.2025)

This petition came for final hearing before this Court on 08.09.2025 in the presence of Mr.P.Veeramalai, 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 Overdraft loan Rs.35,00,000/- to the 1st respondent and the 2nd respondent is the Proprietor of the 1st respondent and the 3rd 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 30.04.2024. 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 12.06.2024 calling upon the respondents to pay the dues to a tune of Rs.33,13,846.34/- as on 30.04.2024. 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 section 13(4) of the SARFAESI Act on 20.09.2024. The possession notice was also published in English and Tamil Newspaper on 26.09.2024. 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.P14 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.Axis Bank limited which falls squarely within the

definition of bank under section 2(1)(c) of the SARFAESI Act. The petitioner bank has produced Ex.P1, Authorization letter issued by Mr.Ravindra Rao, Executive Vice President authorizing Mr.Gladson, Manager as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1st respondent is the borrower. 2nd respondent is the Proprietor of the 1st respondent and the 3rd respondent stood as Guarantor. The respondents 1 to 3 have availed the loan to a tune of Rs.35,00,000/-. Ex.P2, Loan Application, Ex.P3, Sanction letter and Ex.P4, Loan Agreement shows that the respondents had availed loan as stated by the petitioner.

(iii) The loan has been sanctioned against the property of the 2nd respondent. Ex.P5 shows that the 2nd respondent is the absolute owner of the petition scheduled property. Ex.P6 is the memorandum of Agreement to deposit of title deeds of the petition scheduled property executed by the 2nd respondent. The respondents 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.P14. The Memorandum of Deposit of title deed is reflected in the Encumbrance Certificate. It is also candid from Ex.P14, Encumbrance Certificate that the scheduled property is located in Rosalpatti Village, Virudhunagar Taluk and 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.P12. Hence, the loan has been declared as Non Performing Asset on 30.04.2024 as per the guidelines of the Reserve Bank of India.

(v) The 1st respondent is the borrower. 2nd respondent is the Proprietor of the 1st respondent and the 3rd respondent stood as Guarantor. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 to 3

demanding repayment of the loan amount. The notice under section 13(2) of the SARFAESI Act has been produced as Ex.P7. The petitioner bank is thus entitled to take physical possession of the scheduled property. The petitioner bank has taken symbolic possession by issuing Ex.P8, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P9 and P10.

(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 3 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.K.Abthul Parik (MS No.1550/2017)** 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 Rural Police station and the Village Administrative officer, Rosalpatti, Virudhunagar District are directed to provide suitable assistance to the Commissioner in executing the warrant in respect of the property in their respective jurisdiction;

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 said Advocate Commissioner. Out of Rs.25,000/- Rupees 12,000/- shall be paid directly to the commissioner and the remaining Rs.13,000/- shall be **deposited into this Court within 10 days**. After executing the warrant and filing his report, the Advocate Commissioner is entitled to get the remaining remuneration of Rs.13,000/- from the Court by filing separate E-transfer application. For filing of commissioner report call on 10.10.2025.

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

SCHEDULE OF PROPERTY

Virudhunagar Registration District, Virudhunagar Joint I SRO, Virudhunagar Taluk, Rosalpatti Village, Mallankinar Road, Thangamani Colony, in Survey No.17/46 as per Revenue Record S.No.224/2, Total Extent of $596 \frac{1}{8} + 563.835 = 1159.96$ Sq.ft

Boundaries for $596 \frac{1}{8} + 563.835 = 1159.96$ Sq.ft of Land and Building

North of - Land belongs to Ramanuja Naidu

South of - East West Mallankinar Road, 4 ft wide south north long common pathway

East of - part land for S.No.17/46, part belongs to Jeyaganesan, Part House for

Door No.1/4357, 1/4358 belongs to Amuthavalli, Part house for Door No.1/4359 belongs to Jeyaganesan, 4 ft wide south north long common pathway

West of - Exercise Station

Measurement for 596 1/8 Sq.ft

North - East West	19 ft	East - South North	31 3/8 ft	596 1/8 Sq.ft
South - East West	19 ft	West - South North	31 3/8 ft	

Measurement for 563.835 Sq.ft

North - East West	37 1/8 ft	East - South North	16 ft	563.835 Sq.ft
South - East West	37 1/8 ft	West - South North	14 3/8 ft	

With all easement Rights and Pathway.

Petitioner side Documents :

Ex.P.1	26.08.2024	Authorisation Letter	True copy
Ex.P.2	13.07.2022	Loan Application	Compared with original
Ex.P.3	23.08.2022	Sanction letter	Compared with original
Ex.P.4	23.08.2022	Loan Agreement	Compared with original
Ex.P.5	14.03.2022	Sale deed	Compared with original
Ex.P.6	26.08.2022	Memorandum of Agreement to Deposit of Title Deed	Compared with original
Ex.P.7	12.06.2024	Demand notice issued U/S.13(2) of the SARFEASI Act along with Receipt and Online Tracker	Compared with Original
Ex.P.8	20.09.2024	Possession notice for immovable property issued U/S.13(4) of the SARFEASI Act along with Receipt and Online Tracker	Compared with Original
Ex.P.9	26.09.2024	Possession notice 13(4) publication in Hindu Tamil Disai	Original

Ex.P.10	26.09.2024	Possession notice 13(4) publication in Times of India	Original
Ex.P11	--	13(4) Affixture Photo	Photo copy
Ex.P12	17.12.2024	Statement of Accounts	System Generated copy
Ex.P13	17.12.2024	Foreclosure Statement	System Generated copy
Ex.P14	16.12.2024	Encumbrance Certificate	Online Copy

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

**Chief Judicial Magistrate Court,
Virudhunagar District at
Srivilliputhur.
Cr.M.P.No.373/2025
Order Dated: 29.09.2025**