

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 24<sup>th</sup> day of November 2025

CrI.M.P.No.1254/2025

(CNR No.TNVR02-004893-2025)

Canara Bank

Represented by its authorised officer,

Mr.C. Siva,

Chief Manager, ARM Branch,

Circle Office 1<sup>st</sup> Floor,

St.Mary's Campus, East Veli Street,

Madurai - 625 001.

... Petitioner

/ Vs /

1) M/s. TVS Masala Company,  
Proprietor Mr. Baskar Pandi P,  
No.192 1 B 3, Analkutam, Sivakasi,  
Virudhunagar - 626130.

2) Mr. Baskar Pandi P, (Aged about 46 years) (Borrower & Mortgagor)  
S/o.Mr.Punnavanam,  
No.2, Chinnathambi Sandhu,  
Vaiyyan Veethi Thiruthangal, Sivakasi,  
Virudhunagar - 626130.

... Respondents

This petition came for final hearing before this Court on 10.11.2025 in the presence of Mr.M.Sundaraj, 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 Term loan and Cash credit loan of Rs.47,50,000/- to the respondents and 2<sup>nd</sup> respondent is the Main borrower and Mortgagor. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 10.12.2024. 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 16.12.2024 calling upon the respondents to pay the dues to a tune of Rs.45,26,435.05/- as on 16.12.2024. 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 12.03.2025. The possession notice was also published in English and Tamil Newspaper on 16.03.2025. 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 properties.

**3) Point for determination:**

Whether the petitioner is entitled for assistance of this court in taking physical possession of the scheduled properties 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.P17 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.Canara 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.Rahul Ranjan, Deputy General

Manager authorizing Mr.Mahesh Veerappa Gunari, Chief Manager, Sivakasi Branch as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

**(ii)** The 1<sup>st</sup> respondent is the main borrower and Mortgagor. The respondents 1 and 2 have availed the Term loan and Cash credit loan of Rs.47,50,000/-. Ex.P2, Loan Application; Ex.P3 and P4, Sanction letter ; Ex.P5, Term Loan Agreement and Ex.P6, Deed of Hypothecation Agreement and Ex.P7, Cash credit Agreement shows that the respondents had availed loan as stated by the petitioner.

**(iii)** The loan has been sanctioned against the property of the 2<sup>nd</sup> respondent. Ex.P8 shows that the 2<sup>nd</sup> respondent is the absolute owner of the petition scheduled properties. Ex.P9 is the memorandum of deposit of title deeds of the petition scheduled properties executed by the 2<sup>nd</sup> respondent. The respondents have thus created security interest over the scheduled properties and the petitioner has valid and subsisting security interest over the scheduled properties.

The Encumbrance Certificate of the scheduled properties 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 properties are located in Anaikuttam Village, Sivakasi Taluk, Virudhunagar District and thereby within the jurisdiction of this Court. The respondents have thus created security interest over the scheduled properties and the petitioner bank has valid and subsisting security interest over the scheduled properties.

**(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.P16. Hence, the loan has been declared as Non Performing Asset on 10.12.2024 as per the guidelines of the Reserve Bank of India.

**(v)** The 1<sup>st</sup> respondent is the main borrower and Mortgagor. The petitioner bank issued notice under section 13(2) of the SARFAESI Act to the respondents 1 and 2 demanding repayment of the loan amount. The notice under section 13(2) of the

SARFAESI Act has been produced as Ex.P10. The petitioner bank is thus entitled to take physical possession of the scheduled properties. The petitioner bank has taken symbolic possession by issuing Ex.P13, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P15.

(vi) Though, the respondents have been served with the notice, they have not surrendered physical possession of the scheduled properties. The authorized signatory of the petitioner bank has affirmed on oath that the respondents are purposely delaying surrender of possession of the scheduled properties and that there is no stay granted against taking possession of the scheduled properties. 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 and 2 in repayment of the loan amount; the loan amount is not barred by limitation; the scheduled properties were offered as security for the loan amount secured and; the scheduled properties are 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 properties after taking proper inventory and also to handover the possession of the properties to the petitioner bank and as such this petition is liable to be allowed.

In the result, this petition is allowed thereby appointing **Mr.M.Ravi (MS No.1372/2019)** as Advocate Commissioner

1. to inspect the petition mentioned properties 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, Thiruthangal Police station and the Village Administrative officer, Sivakasi are directed to provide suitable assistance to the Commissioner in executing the warrant in respect of the properties in their respective jurisdiction;

5. the Advocate Commissioner may break open any locks put to the doors of the scheduled properties 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 05.12.2025.

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

SCHEDULE OF PROPERTY

**Immovable Property in the name of Mr.Baskar Pandi P, S/o.Mr.Punnavanam**

In Virudhunagar District, Virudhunagar Registration District, Thiruthangal Sub Registration District, Sivakasi Taluk, Anaikuttam Village, land in S.No.192/1B of an extent of 6.32 acres in which the Southern side 1.14 acres in which 19.7/8 cents in which the 9.83 cents bounded following boundaries :

East by : Punjai land belongs to Kaliasammal  
West by : Punjai land belongs to Rameesha Begum  
North by : 15 feet width east west common road  
South by : land belongs to K.N.Seenivasan Vagaira and Road

With in the above boundary admeasuring east west on the both side 41.25 feet North South on the west by 100 feet, east by 108 feet, i.e. totally 4290 Sq.ft i.e., 398.55 Sq.meter vacant side. Now the security property lies in new sub division S.No.192/1B3 of an extent of 0.03.98 Hec. i.e.9.83 cents and the above said property situate within the limits of Anaikuttam panchayat, Sivakasi Panchayat Union Limit.

**Petitioner side Documents :**

Ex.P.1	18.10.2025	Authorisation letter	Photo Copy
Ex.P.2	10.06.2022	Loan application	Photo Copy
Ex.P.3	11.07.2022	Sanction letter Rs.33,25,000/-	Photo Copy
Ex.P.4	29.11.2022	Sanction letter Rs.14,25,000/-	Photo Copy
Ex.P.5	11.07.2022	Term loan agreement of Rs.33,25,000/-	Photo Copy
Ex.P.6	11.07.2022	Deed of Hypothecation Agreement for Rs.33,25,000/-	Photo Copy
Ex.P.7	29.11.2022	Cash Credit Agreement for Rs.14,25,000/-	Photo Copy
Ex.P.8	11.02.2022	Sale Deed in Doc.No.766/2022	Photo Copy
Ex.P.9	08.07.2022	Memorandum of Agreement of deposit of title deeds in Doc.No.3788/2022	Photo Copy
Ex.P.10	16.12.2024	Set of Demand notice issued U/S.13(2) to all the respondents	Photo Copy
Ex.P.11	19.12.2024 20.12.2024	Return cover & Acknowledgement Card	
Ex.P.12	24.12.2024	The Substituted Paper Publication in the both English and Tamil	Original
Ex.P.13	12.03.2025	Possession Notice issued under sec.13(4) of Act to all the respondents	Photo Copy
Ex.P.14	12.03.2025	Possession Photo	Photo Copy
Ex.P.15	16.03.2025	The Paper Publication in the both English and Tamil	Photo Copy
Ex.P.16	11.08.2025	Statement of Accounts	Photo Copy
Ex.P.17	--	Encumbrance certificate	Photo Copy

**Chief Judicial Magistrate,  
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**Chief Judicial Magistrate Court,  
Virudhunagar District at  
Srivilliputhur.  
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Order Dated: 24.11.2025**