

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

Thursday this the 18th day of June 2026

Crl.M.P.No.493/2026

(CNR No.TNVR02-007218-2025)

M/s.Cholamandalam Investment & Finance Company Limited.,

Having Corporate Office,

Chola Crest, C54-55, Super B-4, Thiru-Vi-Ka

Industrial Estate, Guindy,

Chennai - 600 0032.

Having Branch office at

Door No.186A, Seethakadhi Middle Street,

Sivakasi.

Virudhunagar District - 626 124.

Rep. by its Authorized Officer Mr.P.Velmurugan

... Petitioner

/ Vs /

1) **Gnana Sakkanan.G**

S/o.Ganapathy

No.4/8/986, Nehruji Nagar,

Reserve Line,

Sivakasi,

Virudhunagar - 626 124,

Having another address

No.4/8/986, Nehruji Nagar,

Reserve Line, Reserve Line Panchayat School,

Sivakasi,

Virudhunagar - 626 124.

2) **Umayalakshmi.G**

S/o.Gnana Sakkanan,

No.4/8/986, Nehruji Nagar,

Reserve Line,

Sivakasi,

Virudhunagar - 626 124,

Having another address

No.4/8/986, Nehruji Nagar,

Reserve Line, Reserve Line Panchayat School,

Sivakasi,

Virudhunagar - 626 124.

... Respondents

This petition came for final hearing before this Court on 11.06.2026 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.15,29,337/- to the 1st respondent and the 2nd respondent stood as Co-borrower. Due to the default of the respondents in repaying the loan amount, it was declared as Non Performing Asset (NPA) on 09.07.2025. 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 21.07.2025 calling upon the respondents to pay the dues to a tune of Rs.21,70,055/- as on 10.07.2025. 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 26.09.2025. The possession notice was also published in English and Tamil Newspaper on 01.10.2025. 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.

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.P15 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.Cholamandalam Investment & Finance Company Limited., 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 Mrs.P.Sujatha, Company Secretary appointing Mr.P.Velmurugan as authorized officer to represent the bank in the proceedings taken under SARFAESI Act.

(ii) The 1st respondent is the borrower. The 2nd respondent stood as Co-borrower. The respondents 1 and 2 have availed the Cash Credit loan facilities against the property of the 1st respondent to an amount of Rs.15,29,337/-. 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 respondent. Ex.P13 shows that the 1st respondent is 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 respondent. The respondents 1 and 2 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 Anaiyur Village and Town, 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.P12. Hence, the loan has been declared as Non Performing Asset on 09.07.2025 as per the guidelines of the Reserve Bank of India.

(v) The 1st respondent is the borrower. The 2nd respondent stood as Co-borrower. 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.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.P8, possession notice, and the possession notice has been published in Tamil and English Newspapers vide Ex.P10, P11.

(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 and 2 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.J.Pillaiyar Raja (MS No.8768/2022) (Ph.No.8056568528)** 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, Sivakasi Police station and the Village Administrative Officer, Anaiyur Village 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

All the Piece of land and property situated is Virudhunagar District, Virudhunagar Registration District, Sivakasi Taluk, Sivakasi Sub Registration Office,

Anaiyur Village, Sub Hamlet, Nehruji Nagar, Old Natham Survey 25 Part -New Natham Sy.No.1404/10, Southern side 38.86 Sq.Meter of land and building bounded by

East - South - North Common road

West - House of Ammaiayappan Asari

North - Southern portion of house belonged to Kala

South - House belonged to Chinnavallivel

Measurement East - West on the Northern side : 6.6 meter, East - West on the Southern side : 6.8 meter, South - North on the eastern side 5.7 meter, South - North on the western side : 5.9 meter, totalling an extent of 38.86 Sq.meter.

Petitioner side Documents :

Ex.P.1	02.06.2010	Certificate and License of the petitioner	Xerox Copy
Ex.P.2	31.01.2023	Authorization letter issued by the Petitioner finance institution to its Employee namely P.Velmurugan	Xerox Copy
Ex.P.3	30.11.2018	Loan Sanction letter	Xerox Copy
Ex.P.4	14.12.2019	Memorandum of deposit of title deed in Doc.No.1085 of 2019 registered on the file of Sub Registrar, Sivakasi	Xerox Copy
Ex.P.5	21.07.2025	Demand Notice along with the postal receipts	Xerox Copy
Ex.P.6	27.07.2025	Demand Notice newspapers namely Makkal Kural (Tamil)	Xerox Copy
Ex.P.7	27.07.2025	Demand Notice newspapers namely Trinity Mirror (English)	Xerox Copy
Ex.P.8	26.09.2025	Possession Notice along with the postal booking receipts	Xerox Copy
Ex.P.9	26.09.2025	Photograph showing in the affixture of Possession notice	Xerox Copy
Ex.P.10	01.10.2025	Newspaper - The Hindu (Tamil Edition) Extract showing publication of possession notice	Xerox Copy
Ex.P.11	28.12.2020	Newspaper - Financial Express (English	Xerox Copy

Edition) Extract showing publication of possession notice

Ex.P.12	15.10.2025	Statement of Account	Online Copy
Ex.P.13	04.07.2016	Sale deed in Doc No.4456 of 2016 file of the Sub-Registrar, Sivakasi	Xerox Copy
Ex.P.14	03.11.2025	Encumbrance Certificate	Online Copy
Ex.P.15	21.07.2025	Photograph showing in the affixture of Demand notice	Xerox Copy

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

**Chief Judicial Magistrate Court,
Virudhunagar District at
Srivilliputhur.
Cr.M.P.No.493/2026
Order Dated: 18.06.2026**