IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,

TIRUVANNAMALAI.

Present: **Tr.R. Jagadeesan, M.L.,**

Chief Judicial Magistrate, Tiruvannamalai.

Monday, the 17th day of August 2026

Crl.M.P. No. 13/2026

CNR.No.TNTM0C0057832025

M/s. Equitas Small Finance Bank Limited,
Represented by its Legal Receivable Manager,
Mr. Ananthakumar, S/o. Thagarasu, ...Petitioner

//Vs//

1. Mrs. Navamani, W/o. Ramesh,
2. Mr. Ramesh, S/o. Solai,

Both are residing at No. 1033,
Pavendhar 2nd Street, Kollaimedi,
Kolathur Village, Arani Taluk,
Thiruvannamalai District - 632 311. … Respondents

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Counsel for the petitioner : Tr.S. Anandhan, Advocate.

ORDER

This petition has been filed by the petitioner to appoint an Advocate / Court Commissioner to take physical possession of the secured asset being the immovable property more fully described in the schedule, together with documents relating thereto, with the assistance of the Inspector of Police, Kannamangalam Police Station, Tiruvannamalai District or any other appropriate Police officer having jurisdiction over the area if necessary where the schedule mentioned property is situated and hand over the same to the Authorized Officer
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of the Petitioner in accordance with section 14 of SARFAESI Act 2002 and to take physical possession of the immovable property morefully described in the schedule together with the documents relating thereto, if any and with the assistance of the police and hand over the same to the authorized officer of the Petitioner and to break open the immovable property and take inventory of the articles if any, removing the items lying there and to hand over vacant possession of the secured assets, with the documents relating thereto' and for costs.

2. The averments found in the petition are as follows:-

The 1st Respondent is Principal Borrower and other Respondent is Co-Borrower, they had availed the following credit facilities/loans against execution of required loan documents from one of the branch at M/s. Equitas Small Finance Bank Limited, Vellore Branch at No.769, Spencer Plaza, 4th floor, Phase-2, Anna Salai, Chennai – 600002.

Nature of Limit	Due to outstanding Amount in Rupees
Loan Agreement No.700009231155, Total Amount due and outstanding as on 26.06.2025.	Rs.6,09,031/-

The due repayment of the amounts under the above credit facilities and loan with interest, cast, charge and expenses of the petitioner bank were further secured by creation of Over Draft Facility Equitable Mortgage by the immovable properties belonging to the 1st Respondent morefully described in the schedule, infavour of the M/s. Equitas Small Finance Bank Limited, by depositing the title deeds on 20.03.2024 and submitted the Loan Application on the same day. Subsequently, the 1, 2 Respondents are executed Facility Agreement in favour of Petitioner.

After having availed the said loan facilities, the Respondents was very irregular in repayment of the same. No further payments were forthcoming into the said account inspite of the efforts of the said company, and hence the said account were classified as Non-Performing Asset (NPA) on 08.06.2025 in accordance with the Guidelines on Assets classification issued by the RBI.

Thereafter the Petitioner company through its Authorized Officer, issued a Demand Notice dated 10.07.2025 to the Respondents under Section 13(2) of the SARFAESI ACT 2002, calling upon them to make the payment of Rs.6,09,031/- being the outstanding in the accounts, plus interest mentioned in the Loan Agreement. The above said notice received by the 1, 2 Respondents on 21.07.2025. The postal receipt and Online Tracking Receipt is filed in this regard. Then also the Respondents have not come forward to make payments.

The Respondents despite knowledge of the statutory notice, fully aware of the consequences and their statutory obligation towards the petitioner failed to discharge their liability within the statutory period. The Petitioner states that being secured creditor upon default by the borrower after statutory notice under section 13(2) of the Act are entitled to proceed against the borrower under section 13(4) of the Act to take possession of the Secured Asset. The Petitioner bank has issued paper publication in Dinamani (Tamil) and The New Indian Express (English)

News paper on 08.10.2025. The Liability as on 26.06.2025 is Rs.6,09,031/-.

The schedule property is in the occupation and possession of the Respondents and their men and they have not handed over vacant possession of the same in spite of repeated requests and demands.

The Respondents have refused to hand over quietly, peaceful and vacant possession of the said secured assets and the petitioner anticipates trouble in case they attempt to take over physical possession of the said secured assets from the Respondents.

Under these circumstances the Petitioner is left with no other alternative, but to approach of this court, Under Section 14 of the SARFAESI Act, seeking physical possession of the above said secured assets more fully described in the schedule and for this purpose it is imperative that to take physical possession of the premises with the assistance of the police if necessary.

3. The authorized officer of the petitioner bank has filed his proof affidavit in support of his petition confirming the measures taken by the petitioner before filing this petition. He has produced the copies of documents viz., Letter of Authorization, ID Card, Loan Application, Loan Sanction Letter, Loan Agreement, Memorandum of Deposit of Title Deed, Settlement Deed, Sale Deed, Notice issued to the Respondents u/s.13(2) of SARFAESI Act, Notice issued to the Respondents u/s.13(4) of SARFAESI Act, Notice of Sec.13(4) SARFAESI Act published in the Daily News papers (Tamil & English), Affixture Photo, Account Statement, Encumbrance Certificate, along with the petition, to prove that he has

taken all the measures as enumerated in Section 13 of the Act. Through him Ex.P1 to Ex.P14 were marked. Heard.

4. <u>POINT FOR CONSIDERATION :-</u>

Whether the petition is to be allowed or not ?

5. <u>POINT :-</u>

5.1. On perusal of entire case records, the contents found in the Proof Affidavit, documents such as Letter of Authorization, ID Card, Loan Application, Loan Sanction Letter, Loan Agreement, Memorandum of Deposit of Title Deed, Settlement Deed, Sale Deed, Notice issued to the Respondents u/s.13(2) of SARFAESI Act, Notice issued to the Respondents u/s.13(4) of SARFAESI Act, Notice of Sec.13(4) SARFAESI Act published in the Daily News papers (Tamil & English), Affixture Photo, Account Statement, Encumbrance Certificate, to prove that he has taken all the measures as enumerated in Section 13 of the Act. Furthermore, Ex.P1 to Ex.P14 are sufficient to satisfy this Court to pass an order for taking physical possession of the secured asset. The authorized officer of the petitioner bank has categorically stated in his affidavit that there is no stay granted by any other Court preventing the petitioner from taking steps u/s.13 of the Act. As per the averments found in the petition as well as in the Proof Affidavit, the schedule mentioned secured assets are at **Arani Taluk and Tiruvannamalai District** which are well within the jurisdiction of this Court. This petition has been filed by the petitioner to take the physical possession of the secured asset in accordance with law. The authorized officer of the petitioner bank has also filed an affidavit declaring the aggregate amount of financial assistance granted to the respondents with the period of fault committed by the respondents and all other aspects to fulfill the requirements made in Section 13 and 14 of the Act.

5.2. The petitioner has followed the procedures laid down u/s.13 & 14 of the Act and as a banking company, the petitioner is entitled to get the assistance of this Court and also to get police protection in order to take possession of the schedule mentioned property and to bring the same for sale. However, the right of the petitioner can be exercised only through a Court Officer or the Advocate Commissioner appointed by the Court in order to avoid further complication.

6. After considering the entire materials, this Court is of the opinion that u/s.14(1) of the Act, the petitioner is entitled to take possession of the schedule mentioned assets. The petitioner has also complied with the provisions under Section 13(4) and under Rule 8 (1) & (2) of Security Interest (Enforcement) Rules 2002.

7. In the result, this petition is allowed.

Advocate **Tr.R.Rajavignesh,** Enrl.No.M.S.No.6253/2023, Ph.No.7904752577 is appointed as Advocate Commissioner to take possession of the schedule mentioned Property after taking inventory if necessary break open the lock with the assistance of the **Station House Officer, Kannamangalam P.S.,** and to handover the same to the petitioner.

8. The Advocate Commissioner shall file an undertaking affidavit before this court to perform his duty of execution of warrant without any deviation, and if there is any deviation on his part, he would be liable for action under the law.

9. The Advocate/Commissioner remuneration fees is fixed for sum of Rs.25,000/-. The petitioner shall deposit the Learned Advocate/Commissioner remuneration fees into this court, (through E-Challan) within 20 days from the date of passing of this order. Failing which this petition would be automatically dismissed. After depositing the Learned Advocate/Commissioner fees, and filing an affidavit by the petitioner that 'No Stay / No appeal' pending in any other Court in respect of the schedule mentioned properties, the B.C of this court is hereby directed to issue the warrant to the Learned Advocate/Commissioner. After receiving the warrant from this court, the Learned Advocate/Commissioner shall execute the warrant without causing any physical harm to the inmates. The Advocate Commissioner shall execute the warrant within 60 days from the date of issuance of warrant and submit his report to this Court. After filing the report, the Learned Advocate/Commissioner is entitled to withdraw his remuneration fees, from this court on necessary petition.

SCHEDULE OF PROPERTY

ITEM-I

All that Piece and Parcel of Land, With Building bearing in Comprised in S.No.19/2A, Old S.No.19/11A, Old S.No.19/11, Plot No.9, (Western Part), together with an extent of 611 Sq.ft Situated at Door No.1033, Kolathur Village, Arani Taluk, Tiruvannamalai District, and being bounded on the: -

North by : Street,

South by : Plot No.10,

East by : Plot No.9 Part Navamani Vacant land,

West by : Road.

ITEM-II

All that Piece and Parcel of land, With Building bearing in Comprised in S.No.19/2A, Plot No.9, together with an extent of 400 Sq.ft Situated at Kolathur Village, Arani Taluk, Tiruvannamalai District, and being bounded on the:

North by : Street,

South by : Plot No.l0,

East by : Remaining land of Mr.Vathumalai,

West by : Remaining land of Mr.Vathumalai.

Situated at within the Sub - Registration District of Kannamangalam and Registration District of Cheyyar.

THIS PROPERTY COMES UNDER WITHIN THE LIMITS OF KANNAMANGALAM POLICE STATION.

This order has been dictated by me to the Steno-Typist, typed by her directly in computer, corrected and pronounced by me in the Open Court on this Monday, the 17th day of August 2026.

JAGADESAN Digitally signed by JAGADESAN Date: 2026.08.17 18:20:51 +0530

CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI.