IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI

Present: N.Senthil Murali., B.Sc.,M.L.,
Chief Judicial Magistrate,
Tiruchirappalli.

Friday, the 03rd day of July, 2026

Crl.M.P. No.6843/2026
CNR No.TNTP032026301715

M/s. Repco Home Finance Limited
Branch Office at Thiruverumbur Branch,
Trichy.
Corporate Office at
Alexander Square, No.2(Old No.34&35), 3rd Floor,
Sardar Patel Road, Guindy, Chennai – 600032.
Represented by its Authorized officer
Mr. V. Gomathi Sankar.

... Petitioner

//VS//

1. Francis David ,
   S/o.Irudayasamy,
   No.518, Maikel Patti, Arulantham Nagar,
   Thiruvaiyaru, Thanjavur-613104.
2. F. Jayaseelimari,
   W/o. Francis David,
   No.518, Maikel Patti, Arulantham Nagar,
   Thiruvaiyaru, Thanjavur-613104.
3. M. Josap,
   S/o. Mathalai Muthu,
   No.7/77A, Maikel Patti,
   Thiruvaiyaru, Thanjavur-613 104,

... Respondents

Advocate for the Petitioner : Mr. M. Manikandan

The Petitioner, Repco Home Finance Limited through its authorized officer filed this application U/s.14 of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), seeking assistance of this court to take possession of Secured Asset.

SCHEDULE OF PROPERTY

In Trichirappalli District & Taluk, Trichirappalli Joint 3 Sub Registration Office limits, Ariyamangalam Village, Kamaraj Nagar, the plot Measuring an extent of 1532 Sq.Ft., equivalent to 142.5 Sq.mts, comprised in Natham Survey No.195/2 (as per UDR Survey No.236/2Part) and as per the Survey sketch within the following four boundaries.

North of : The land comprised T.S.No.7 the land comprised in Natham Survey No.195/2 and the house property comprised in T.S.No.9

South of : Kamaraj Nagar Tank (Kulam)

East of : The land comprised in T.S.No.5,

West of : The Property comprised in T.S.No.9 & the pathway comprised in T.S.No.10,

Within this measuring East to West on the North 23 and on the South 26 1/4, South to North on the East 59 1/2 and on the West 65 1/4 thus totalling 1532 Sq.Ft of Plot equivalent to 142.5 Sq.mts, together with the tilled house constructed thereon along with vacant place, electricity services connection, meter, drinking water, tap service connection, building materials, common pathway rights and other easementary rights related thereto.

The above property located in corporation Ward “S” Block No.15 and T.S.No.8,

As per the corporation tax receipt door number for the property is 14-C/1, K.V.K.Ramasamy Street, Tax Assessment No.28001966 & Water connection Assessment No.48044 and TNEB Service Connection Nos.574, 1454 & 1453,

The above property situated in K.V.K.Ramasamy Street, within the limits of Tiruchirappalli city Corporation.

3. The petitioner is Repco Home Finance Limited deponent is an authorised officer. He filed an affidavit that the respondents availed loan of Rs.47,00,000/- from petitioner Repco Home Finance Limited by creating a Mortgage. The respondents executed the relevant Registered Memorandum of Deposit of Title Deed. The loan became Non-Performing Asset on 29.07.2007. Therefore, the respondents were served with demand Notice dated 09.11.2012, u/s.13(2) SARFAESI Act to repay the loan amount within 60 days, failing which the petitioner bank shall be entitled to take all or any of the measures mentioned u/s.13(4) of the SARFAESI Act. The respondents, however, failed to repay. Thus, Rs.52,23,055.48/- was due as on 22.08.2023. The schedule property does not suffer from any Encumbrance.

4. In Techno Builders and Ors //VS// Canara Bank and Ors (MANU/TN/9525/2019) Hon'ble High Court of Madras held thus: ***“In the considered opinion of this Court, Section 14 of the SARFAESI Act did not contemplate any notice of hearing/objection from the Borrowers and as such there may not be any necessity of affording an opportunity of personal hearing to the Borrowers/Petitioners and that apart though it is the claim of the petitioner that the appeal is pending against recovery proceedings, there is no interim order in operation and in the absence of the same, it is always open to the 2nd respondent to proceed further in accordance with law while dealing with the application filed***

under Section 14 of the SARFAESI Act by the 1st respondent" (Para No.6).This is reaffirmed by our Hon'ble Madurai Bench of Madras High Court in M/s.Shanmuganathan Cold Storage Pvt Ltd., -vs- 1. Authorized Officer, Karnataka Bank Ld and anr.

5. The CMM or DM Magistrate perform only the ministerial functions under section 14 of SARFAESI Act . Further Sec.14(3) of SARFAESI ACT says as below:

> "No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority"

Section 14 is procedural in nature and merely empowers the CMM or DM to assist the secured creditor in taking possession of the secured assets and it does not cloth them with the power to adjudicate in respect of any dispute pertaining to secured assets. Further Hon'ble Apex Court has observed that there is no adjudication of any kind at this stage and CMM/DM acting U/s.14 of the SARFAESI Act is not required to give notice either to the borrower or to the third party, in it's decision in **Standard Chartered Bank -vs- Noble Kumar and others in 2013 CTC 6 683: 2013 (5) LW 97.** Therefore, service of any notice to the borrower is not contemplated in Section 14 of the Act. In this context, this court is of the view that Advocate/Commissioner can be appointed for taking possession without sending any notices to the respondents.

6. In fine, the petition is allowed and Advocate **D. Sathya (Enrollment No.2283/2017)** (Mobile No.9677533975) is hereby appointed as Commissioner. He is directed to assist the petitioner for taking possession of the secured asset and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate/Commissioner can avail the aid of Station House Officer of **Ariyamangalam Police Station** for taking possession and Break open (if warranted), without approaching this court separately for such purpose. The

Commissioner's remuneration is fixed at Rs. 30,000 /-. The remuneration has to be paid directly by the petitioner. Report by 15.08.2026.

Dictated directly to the Typist and typed by her in computer, taken printout and pronounced by me in Open Court on this 03rd day of July, 2026.

N SENTHIL MURALI

Digitally signed by N SENTHIL MURALI
Date: 2026.07.03 18:06:00 +0530

Chief Judicial Magistrate,
Tiruchirappalli.