



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 234 of 2025

CSB Bank Limited

Rep By Its Senior Manager Louie Erinjery, Asset
recovery branch, ispahani centre, 6th floor,
nungambakkam high road, chennai - 600 034.

..Petitioner(s)

Vs

1. The Commissioner of Police
greater chennai police
No.132, commissioner officer building
E.V.K.Sampath road, vepery,
chennai - 600 007.
2. The Deputy Commissioner of Police
new washermanpet police station,
T.H.Road, chennai - 600 021.
3. The Assistant Commissioner of Police
Tiruvottiyur range,
Adjacent to tiruvottiyur H8 police station,
No.951, T.H.Road, kaladipet,
chennai - 600 019.
4. The State Rep. by the Inspector of Police,
Tiruvottiyur H8 police sation,
No.951, T.H.Road, kaladipet,
chennai - 600 019.
5. M/S.Harichandran Agency
Rep. by Mr.K.Harichandran,
New No.806/665-B,
Tiruvottiyur high road,
soundarapandian nagar,
Tiruvottiyur,
chennai - 600 019.



6. Mr.K.Harichandran
S/o.Mr.Kalimuthu,
New No.806/665-B,
Tiruvottiyur high road,
soundarapandian nagar,
Tiruvottiyur,
chennai - 600 019.

7. Mr.s.kaleeswari
W/o.Mr.K.Harichandran,
New No.806/665-B,
Tiruvottiyur high road,
soundarapandian nagar,
Tiruvottiyur,
chennai - 600 019.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus or any other writ or order in the nature of writ directing the 2nd respondent to consider the representation dated 04.12.2024 seeking police assistance for execution of warrant and pass such further or other orders as this honourable court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.K.V.Babu

For Respondent(s): Mr.R.Ganesh Kumar
Counsel for Government for R1 to R4

Mr.M.Velmurugan for R5 to R7



ORDER

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This petition has been filed seeking direction to the 2nd respondent to consider the representation dated 04.12.2024 seeking police assistance for execution of warrant issued by the learned Debts Recovery Tribunal II (DRT), Chennai in O.A.No.399 of 2016.

2. The Petitioner is a Scheduled Commercial Bank, and Respondents 5 to 7 herein borrowed a loan from the Petitioner Bank, subsequent to which they defaulted on repayment. Thereafter, the Petitioner Bank initiated proceedings under the Recovery of Debts and Bankruptcy Act, 1993, in O.A. No. 399 of 2016 before the Debts Recovery Tribunal-II (DRT), Chennai. The said application was allowed on 27.03.2018, entitling the Petitioner Bank to recover the loan amounts from Respondents 5 to 7, along with interest at 9% per annum from the date of the Original Application till the date of realization. Consequent to the order, the DRT-II issued a Recovery Certificate on 16.02.2019 and appointed an Advocate Commissioner to take physical possession of the mortgaged property from Respondents 5 and 7 herein.

3. In fact, this Court, by an order dated 14.08.2020 in W.P. No. 9835 of 2020, directed the concerned police authorities to conduct an enquiry with the borrowers and provide adequate police protection to the Advocate



Commissioner during the execution of physical possession. However, the Advocate Commissioner was unable to secure physical possession of the mortgaged property due to vehement objections raised by the occupants of the building. Consequently, by an order dated 12.06.2025, the time for taking physical possession of the mortgaged property was extended from 16.03.2025 to 02.08.2025.

4. The learned counsel appearing for Respondents 5 to 7 submitted that the Petitioner Bank cannot take physical possession of the subject property, as a charge has already been created over the mortgaged property by the Income Tax Department.

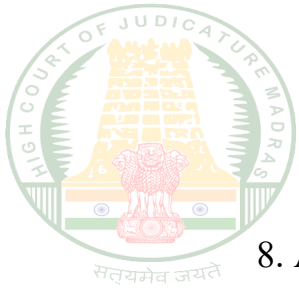
5. Upon a perusal of the counter-affidavit filed by the 4th respondent and considering the submissions made on either side, this Court finds that the 4th respondent conducted an enquiry after issuing due notice to Respondents 5 to 7. During the enquiry, the 6th respondent produced an Encumbrance Certificate over the mortgaged property, which revealed that the subject property had already been attached by the Government of India, Income Tax Department, as well as the Commercial Taxes Department, and this fact was duly communicated to the Advocate Commissioner. However, the 4th respondent has no business looking into alternative attachments in respect of the subject property; their designated duty is strictly restricted to providing police



protection to the Advocate Commissioner while taking physical possession of the asset. The Advocate Commissioner shall address any issues arising from objections raised by government authorities claiming a prior attachment over the very same subject property.

6. Furthermore, the records reveal that the Debts Recovery Tribunal-II (DRT), Chennai, passed an order dated 27.03.2018 in O.A. No. 399 of 2016 and subsequently issued a Recovery Certificate on 16.02.2019 in respect of the subject property, appointing an Advocate Commissioner to take physical possession thereof. The time for execution has also been extended by the Tribunal. Any subsequent attachments made by the Income Tax Department or the Commercial Taxes Department have no bearing on the mandate of the Advocate Commissioner, who was appointed specifically to secure physical possession of the subject property.

7. In view of the above, the 4th respondent is directed to provide adequate police protection to the Advocate Commissioner to facilitate the seamless acquisition of physical possession of the asset.



8. Accordingly, this Writ Petition is allowed. No costs.

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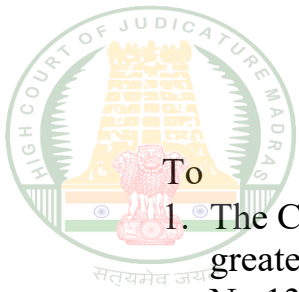


G.K.ILANTHIRAIYAN, J.

SMA

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To

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4. The State Rep. by the Inspector of Police,
Tiruvottiyur H8 police sation,
No.951, T.H.Road, kaladipet,
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5. The Public Prosecutor,
Madras High Court