

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31115 of 2018
and
W.M.P.No.36302 of 2018

State Bank of India,
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037.
Rep. by its Assistant General Manager.

...Petitioner

Versus

1. The Commissioner of Police,
Thiruppur.
2. The Inspector of Police,
Veerapandi Police Station,
Thiruppur.
3. M/s.Sri Vakirakaali Amman Spinning Mills Private Ltd.,
Rep. by its Director,
RMC Ginning Mills, Kulthupalayam,
Palladam Road, Thiruppur - 641 605.
4. R.M.Rajamanickam
5. M/s.Deyes Fashions
represented by its partners,
Mr.D.A.Dhamodharan and
Mr.M.Shanmugasundaram,
No.522/1B1, Kangeyam Road,
Ishwarya Garden, Thiruppur - 641 606.

...Respondents

PRAYER:

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, seeking call for the records pertaining to the proceedings dated 16.12.2017 of the 2nd respondent claimed to have been served on the petitioner bank and quash the same and consequentially direct the respondents 1 and 2 to immediately restore possession to the petitioner of the secured assets,

i.e., land and building situated in S.F.No.643/2B, situated at Kulathupalayam, Lakshmi Kalyana Mandapam Road, Palladam Road, Tirupur, by removing the encroachers and take appropriate action against the accused who have trespassed based on Bank's complaint dated 15.12.2017 and in compliance of the order dated 02.02.2018 passed in W.P.No.2159 of 2018.

For Petitioner : Mr.E.Omprakash
Senior Counsel
for M/s.Ramalingam and Associates

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 and R2
Mr.M.Sri Ganesh for R3 and R4

ORDER

This Writ Petition has been filed challenging the closure report filed by the second respondent police and also seeking for consequential reliefs.

2. It is seen from records that the petitioner bank had initiated proceedings under the SARFAESI Act. It is the case of the petitioner that the possession of property is also taken over by the petitioner bank and the borrowers along with their henchmen threatened the security guards appointed by the petitioner bank and had illegally occupied the property. Therefore, a complaint was given before the second respondent police on 15.12.2017, which was acknowledged in CSR.No.229 of 2017. However, this complaint has been closed by the second respondent police on 16.12.2017 itself on the ground that proceedings are pending between the parties.

3. During the pendency of this writ petition, the second respondent police have now registered an FIR in Crime No.741 of 2018 against the 4th respondent and twenty others for offences under Sections 143, 445 and 506(i) of IPC.

4. In view of the above development, no further orders need to be passed in this writ petition and the second respondent is directed to continue further with the investigation and take appropriate action in accordance with law. The 2nd respondent is further directed to complete the investigation as expeditiously as possible and file a final report before the concerned Court.

5. With the above direction, this Writ Petition is disposed

of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta/ub

To

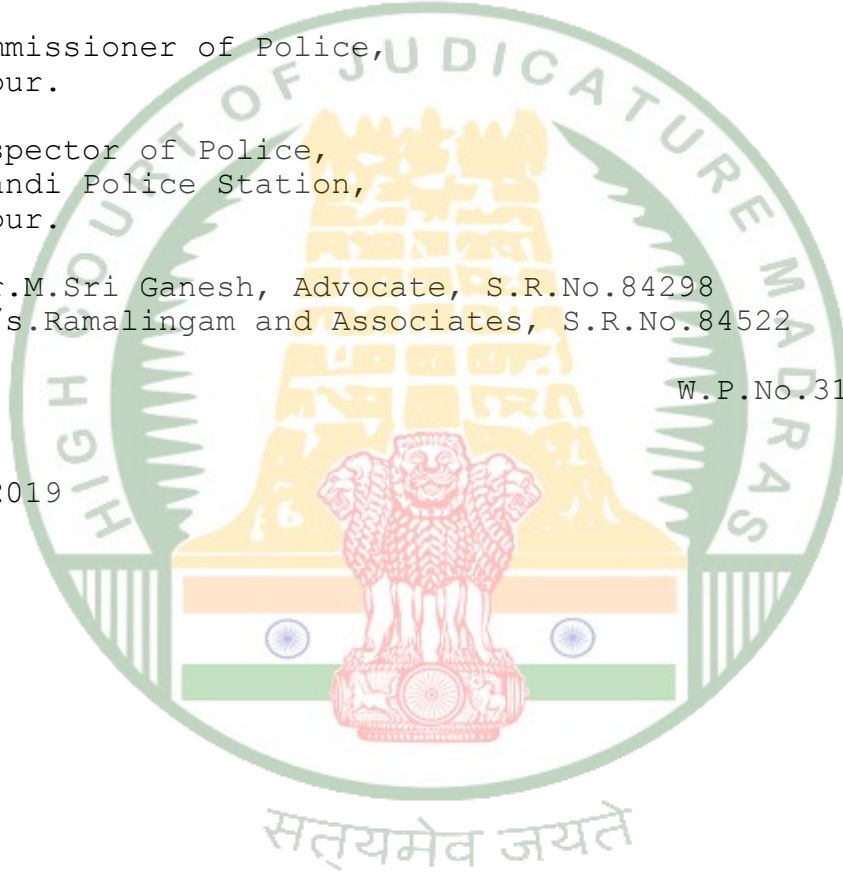
1. The Commissioner of Police,
Thiruppur.
2. The Inspector of Police,
Veerapandi Police Station,
Thiruppur.

+1cc to Mr.M.Sri Ganesh, Advocate, S.R.No.84298

+2cc to M/s.Ramalingam and Associates, S.R.No.84522

W.P.No.31115 of 2018

CA(CO)
CS/03/01/2019



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