



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

CrI.O.P.[MD]No.4661 of 2019

WEB COPY

IDBI Bank,
Rep by its Branch Manager,
Tenkasi Branch, having office at
No.326/N1, Soundariya Royal Towers,
Tenkasi-Courtrallam Road,
Tenkasi-627 811,
Tirunelveli District.

: Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.

3.The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.

4.Rajalakshmi : Respondents

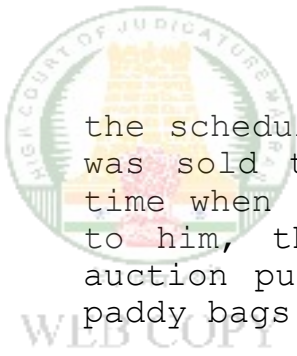
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents No.1 to 3 to provide adequate police protection to the petitioner Bank so as to enable them to take the paddy bags pledged by the respondent No.4 from Pavoorchatram Kannan Godown situated at No.11-3-25,B Colony Street, Sundrapandiapuram, Pavoorchatram, Tirunelveli District on the basis of the representation of the petitioner Bank dated 18.03.2019.

For Petitioner : Mr.Pala.Ramasamy
For R-1 to R-3 : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

The present petition is filed to direct the respondents No.1 to 3 to provide adequate police protection to the petitioner Bank so as to enable them to take the paddy bags pledged by the respondent No.4 from Pavoorchatram Kannan Godown situated at No.11-3-25,B Colony Street, Sundrapandiapuram, Pavoorchatram, Tirunelveli District on the basis of the representation of the petitioner Bank dated 18.03.2019.

2. The petitioner is the Bank, in which the fourth respondent has obtained a loan on the security of paddy and secured a loan for a sum of Rs.50 lakhs. As the loan was not promptly repaid as per



the schedule, a part of the hypotheca was brought to auction and it was sold to certain 'Sri Chamundeswari Rice Industries'. At the time when the auction purchaser went to collect the paddy bags sold to him, the fourth petitioner gave some resistance. Later, the auction purchaser with some difficulty could be able to remove the paddy bags.

3. The learned counsel for the petitioner now submits that another lot of hypotheca is to be brought to sale by public auction on 29.03.2019 and expects some obstruction from the fourth respondent and seeks protection. He further submits that the auction was notified and the fourth respondent held out telephonic threats to the Branch Manager of the petitioner Bank that the hypotheca should not be sold. He also submitted that the petitioner Bank made a complaint to the police immediately on 18.03.2019 and a copy of the same is also available in the typed set of papers.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

5. Even going by the statements of the learned counsel for the petitioner, there may not be any difficulty to auction the paddy, but if at all there is any obstruction, it may be only at the time of removal of the paddy bags by the auction purchaser after the scheduled auction sale. Therefore if there is any obstruction, the petitioner may then approach the third respondent police.

6. Inasmuch as the petitioner appears to have some threat perception about the conduct of the auction as the manner notified, the petitioner Bank is now directed to approach the third respondent to take such appropriate decision on the complaint preferred by the petitioner and grant such necessary police protection if so required.

7. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(cs-I)

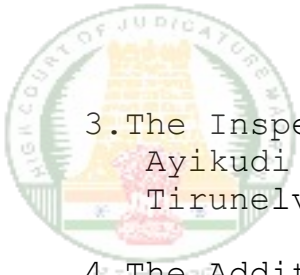
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Sub Assistant Registrar(cs-I)

To

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.



3.The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.Pala.Ramasamy, Advocate, SR.No.57346 & 57584

Cr1.O.P.[MD]No.4661 of 2019
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SP/08.04.2019/3P/7C