

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 9835 of 2020

CSB Bank Ltd.,
Represented by its Authorised Officer
Zonal Office,
7th Floor, Rani Seethai Hall,
Anna Salai, Chennai-600 006. Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
New Washermenpet Police Station,
T.H.Road, Chennai - 600 021.
- 3.The Assistant Commissioner of Police,
Thiruvottiyur Range,
Adjacent to Thiruvottiyur H-8 Police Station,
No.951, T.H.Road,
Kaladipet, Chennai-600 019.
- 4.The Inspector of Police,
Thiruvottiyur H-8 Police Station,
No.951, T.H.Road,
Kaladipet, Chennai 600 019.
- 5.The District Collector,
Thiruvallur District,
Thiruvallur.
- 6.The Thasildar,
Thasildar Office,
Thiruvottiyur,
Chennai-600 019.

7.M/s.Sri Harichandra Agencies,
Rep by its Proprietor Mr.K.Harichandran,
New No.806/665-B, Thiruvottiyur High Road,
Soundarapandian Nagar,
Thiruvottiyur,
Chennai-600 019.

... Respondents

PRAYER: Writ Petition has been filed under Art. 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide police protection to the Advocate Commissioner and Authorised Officer of the Bank while taking physical possession of the schedule property.

For Petitioner : Mr.K.Rajasekaran

For Respondents

For R1 to R4 : Mr.S.Karthikeyan,
Additional Public Prosecutor

For R5 to R6 : Mr.Elumalai
Government Advocate

O R D E R

This Writ Petition has been filed seeking for police protection to the Advocate Commissioner and Authorised Officer of the Bank while taking physical possession of the schedule property.

2. The learned counsel appearing for petitioner would submit that the petitioner is a commercial bank. The 7th respondent borrowed loan and thereafter, he has failed to repay the same and defaulted. Therefore, the petitioner banker have taken steps under the Recovery of Debts and Bankruptcy Act, 1993 in O.A. No. 339 of 2016 before the Debt Recovery Tribunal-II, Chennai. The same was decreed in their favour and the Recovery Officer, DRT II, has also issued a Recovery Certificate on 16.02.2019. In the meanwhile, the Advocate Commissioner was appointed for taking physical possession of the mortgaged property of the 7th respondent herein. In view of the same, the Advocate Commissioner sought for police protection before the respondents 1 to 4 to execute the warrant issued by Debt Recovery Tribunal-II, Chennai.

3. The learned Additional Public Prosecutor would submit that the police official visited the property and found that there are so many tenants in the said property.

4. Considering the above submissions made by the learned Additional Public Prosecutor, if the Advocate Commissioner seeks for police protection, the concerned Police Official is directed to issue notice to the 7th respondent and also the occupants of the said building and conduct enquiry and pass orders in accordance with law and on merits.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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5.The District Collector,
Thiruvallur District,
Thiruvallur.

6.The Thasildar,
Thasildar Office,
Thiruvottiyur,
Chennai-600 019.

+1 cc to Mr.Rajasekaran, Advocate Sr.No. 26622
+1 cc to The Government Pleader, Sr.No. 26856

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MG (CO)
RMP (14/09/2020)



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