

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10300 of 2020

CSB Bank Ltd.,
rep. 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,
Purasawalkam,
Chennai-600 084.
3. The Inspector of Police,
K 5 Periyar Nagar Police Station,
Chennai-600 082.
4. Mr.George Fernandez,
29-G Block, 8th Main Road,
Thanigachalam Nagar,
Kolathur, Chennai-99. Respondents

PRAYER: Writ Petition has been filed under Art. 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to provide police protection to the Advocate Commissioner appointed by the DRT III while taking physical possession of the schedule property.

For Petitioner : Mr.K.Rajasekaran

For Respondents

For R1 to R3 : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking for police protection to the Advocate Commissioner appointed by DRT-III 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 4th 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. 218 of 2013 before the Debt Recovery Tribunal-III, Chennai. The same was decreed in their favour and the Recovery Officer has also issued a Recovery Certificate on 05.12.2019 in DRC No.354 of 2015. In the meanwhile, on 12.01.2018, the Advocate Commissioner was appointed for taking physical possession of the mortgaged property of the 4th respondent herein. In view of the same, the Advocate Commissioner sought for police protection before the 2nd and 3rd respondents to execute the warrant issued by Debt Recovery Tribunal-III, Chennai.

3. The learned Additional Public Prosecutor would submit that the petitioner has wrongly stated the 3rd respondent as K-5 Periyar Nagar Police Station instead of K-5 Peravallur Police Station. Even then, the said 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 4th 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. सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpp

To

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,
Purasawalkam,
Chennai-600 084.

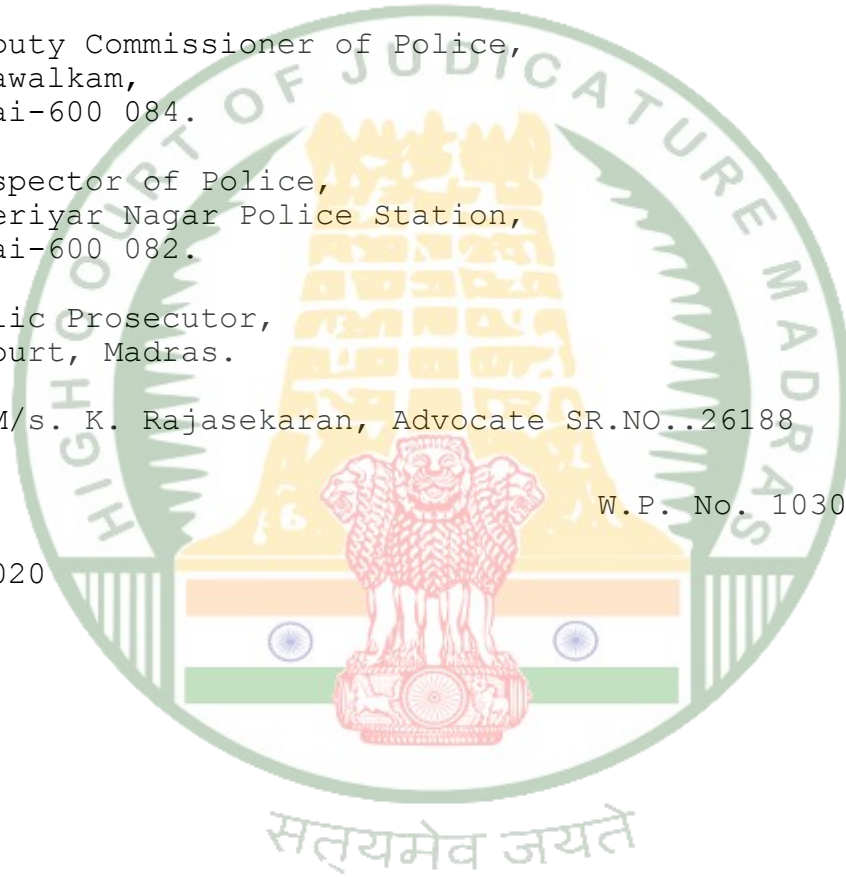
3. The Inspector of Police,
K 5 Periyar Nagar Police Station,
Chennai-600 082.

4. The Public Prosecutor,
High Court, Madras.

1 cc to M/s. K. Rajasekaran, Advocate SR.NO..26188

AJS (Co)
EU 31.8.2020

W.P. No. 10300 of 2020



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