

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12166 of 2020

R.Balasubramani

... Petitioner

Vs.

1.The Inspector of Police
Upper Connoor Police Station
Bed Ford, Connoor
No.132/83, Main Alwarpet
Connoor-643 101.

2.N.Sakthi

3.G.Geetha

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to offer police protection vide CSR No.51 of 2020 for the petitioner to fence his property bearing Door No.83, Alwarpet, Connoor, having acquired title under Sec.13(12) of the SARFESI Act read with Rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002, by a Registered Sale Deed dated 21.08.2017, registered on 9/1/2018 as Document No.40 of 2018.

For Petitioner : Mr.AR.M.Arunachalam

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor for R1

O R D E R

The prayer sought for in the present writ petition is to direct the 1st respondent to offer police protection vide CSR No.51 of 2020 for the petitioner to fence his property bearing Door No.83, Alwarpet, Connoor, having acquired title under Sec.13(12) of the SARFESI Act read with Rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002, by a Registered Sale Deed dated 21.08.2017, registered on 9/1/2018 as Document No.40 of 2018.

2.The learned counsel for the petitioner would submit that the petitioner acquired the title of the property by

registration of the sale deed dated 21.08.2017, vide document No.40 of 2018 under the SARFESI Act. Originally the property is owned by the respondents 2 and 3 herein and on their default of repayment of loan, borrowed by them from the bank, the said property was mortgaged with the banker. On the auction conducted by the banker, the petitioner herein has become the successful bidder of the property and now in possession and enjoyment of the property. While being so, the respondents 2 and 3 are always disturbing the petitioner's possession and enjoyment of the property and also obstructing him to vacate the entire property.

3.The learned Additional Public Prosecutor would submit that on the complaint lodged by the petitioner, he was issued with CSR No.51 of 2020 and the enquiry is pending on the file of the respondent.

4.Considering the above submission, the 1st respondent is directed to conduct enquiry on the complaint lodged by the petitioner, after issuing notice to the respondents 2 and 3 herein and also after affording due opportunities to both the parties shall pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jer

To

The Inspector of Police
Upper Connoor Police Station
Bed Ford, Coonoor
No.132/83, Main Alwarpet
Connoor-643 101.
+1 cc to M/s.AR.M.Arunachalam, Advocate Sr.No. 29559

W.P.No.12166 of 2020

SSD(CO)
RMP (28/09/2020)