

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1409 of 2021

Kotak Mahindra Bank Limited,
Rep. by its Senior Vice President,
Mr.G.Ramachandra Srikanth,
Presently at Asset Reconstruction Division,
5th Floor, Samson Towers,
No.402-L, Pantheon Road,
Egmore, Chennai - 600 008. .. Petitioner

/versus/

1. The Deputy Commissioner of Police,
Adyar, Chennai - 600 020.
2. The Station House Officer,
J-2 Adyar Police Station,
Adyar, Chennai - 600 020. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondent to provide necessary police assistance as per the warrant issued by the Debt Recovery Tribunal II, Chennai to enable the Advocate Commissioner to execute the mission as per the warrant.

For Petitioner :Mr.V.Balamurugane

For Respondents :Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent police to provide police protection to the Advocate Commissioner in order to enable him to execute the warrant issued by the Debt Recovery Tribunal II, Chennai.

2.It is seen from records that pursuant to the proceedings initiated by the petitioner Bank, the Debt Recovery Tribunal II appointed an Advocate Commissioner and issued warrant for taking possession of certain properties. The Advocate Commissioner expected resistance while executing the warrant, and hence representations were made to the

respondent police on 16.12.2020 and 30.12.2020 seeking for police protection. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to provide necessary police assistance to the Advocate Commissioner in order to enable him to execute the warrant issued by Debt Recovery Tribunal II, Chennai. The learned Advocate Commissioner shall make a representation to the 2nd respondent along with this order copy and specify the date on which the warrant is going to be executed and the same shall be acted upon by the 2nd respondent.

5. This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Deputy Commissioner of Police,
Adyar, Chennai - 600 020.

2. The Station House Officer,
J-2 Adyar Police Station,
Adyar, Chennai - 600 020.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.V.Balamurugane , Advocate SR.No. 3654

W.P.No.1409 of 2021

A.SK(25.01.2021)