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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.3360 of 2021

K.Selvi

...Petitioner

Versus

1. The State

Represented by the Inspector of Police,
T-5 Police Station,
Tiruverkadu,
Chennai - 600 077.

2. Equitas Small Finance,

4th Floor, Phase II,
Spencer Plaza No.769,
Mount Road,
Anna Salai,
Chennai - 600 002.

3.Mrs.Bharathi & Senthilkumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to provide protection to the petitioner and to her men, agents or any other person acting under directions while taking possession of the auctioned property and to assist to take inventory of the materials lying in the property situated at No.14, Survey No.182, New Survey No.182/1A1, Annai Abirami Nagar, Tiruverkadu Village, Poonammalle Taluk, Thiruvallur District.

For Petitioner : Mr.S.Sivaraman

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : Ms.R.Meenakshi Devi

Mr.R.Sathish Kumar,
Advocate Commissioner



O R D E R

This Writ Petition is filed to direct the 1st respondent to provide protection to the petitioner and to her men, agents or any other person acting under directions while taking possession of the auctioned property and to assist to take inventory of the materials lying in the property situated at No.14, Survey No.182, New Survey No.182/1A1, Annai Abirami Nagar, Tiruverkadu Village, Poonammalle Taluk, Thiruvallur District.

2.The learned counsel for the petitioner submitted that one room, which is locked to be opened and inventory to be taken by the Advocate Commissioner Mr.R.Sathish Kumar. This Court by order dated 28.10.2021, had directed the Advocate Commissioner to take inventory wherever required in the entire property and handover the vacant portion to the petitioner.

3.The 3rd respondent despite receipt of notice, failed to appear on the date of inventory taken and hence, the Advocate Commissioner proceeded to take inventory of the materials lying in the property and the same was done. Thereafter, he filed a detailed report, dated 28.08.2021 before this Court, recording the articles found in the property along with the photographs and the acknowledgment of the persons present at the time of inventory.

4.Earlier, Mrs.S.Sangeetha, tenant/third party filed an affidavit through his counsel Mr.C.P.Saikumar agreeing to take back her articles found in the property. Hence, she took back her articles in the property. If the tenant/third party not taken her articles so far, she is free to take her articles, likewise the 3rd respondent can also take back the articles with proper acknowledgment.

5.It is seen that all the portions of the building had been opened and inventorised by the Advocate Commissioner, except the locked shed measuring 200 sq.ft. This Court by order dated 16.11.2021 had directed the Advocate Commissioner to proceed with the property measuring 200 sq.ft shed, after giving notice to the parties and thereafter, break open the lock, inventorise the same and handover the possession of the property to the petitioner. The same procedure followed by the Advocate Commissioner on 28.08.2021, is to be followed to take inventory of the materials lying in 200 sq.ft shed and if any other portion is needed to be opened, examined and inventorised.

6.Today the Advocate Commissioner appeared and submitted that the report has been filed in the Registry. He had visited the property on 01.12.2021 and inventory has been taken in the presence of the witnesses.



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7. Recording the same, this Writ Petition stands disposed of.
However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
T-5 Police Station,
Tiruverkadu,
Chennai - 600 077.
2. The Public Prosecutor,
High Court, Madras.

W.P.No.3360 of 2021

GPL (CO)
RGA (15/12/2021)