



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM :

THE HON'BLE MR.M.DURAI SWAMY, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.24778 of 2021

M/s.ASREC (INDIA) LIMITED,
rep. by its Authorized Officer,
Door No.3, 3rd Floor,
Wellington Estate, 53, Ethiraj Sali,
Egmore, Chennai - 600 008
rep. by its Chief Manager.

.. Petitioner

vs

1.The District Collector,
Office of Collectorate,
Chennai - 600 001.

2.The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Chennai - 600 060.

3.Shanmugadurai

4.The Deputy Commissioner of Police,
Madhavaram,
Chennai.

.. Respondents

(Respondent No.4 suo motu impleaded as per this order
vide order dt 19/11/2021 in WP.No.24778/2021)

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to take physical possession of the secured assets of the third respondent as per the orders of the first respondent dated 13.03.2020 and hand over it to the petitioner and this court may also fix a time for handing over the physical possession to the petitioner by the second respondent.



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For the Petitioner : Mr.J.Yogheswari

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.1, 2 & 4

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the second respondent to take physical possession of the secured assets of the third respondent as per the orders of the first respondent dated 13.03.2020 and hand over possession to the petitioner within a time frame.

2. By an order dated 13.03.2020, the first respondent - District Magistrate and District Collector, Chennai, authorized the second respondent - Tahsildar, Madhavaram Taluk, to take possession of the secured assets. Further, the first respondent requested the Deputy Commissioner, Madhavaram, Chennai, to render necessary assistance by providing adequate police protection to the Tahsildar, Madhavaram Taluk at the time of taking possession of the property. Now the Asset Reconstruction Company, the petitioner herein, has filed the writ petition stating that the second respondent has not taken possession of the secured assets till today.

3. Mrs.R.Anitha, learned Special Government Pleader, taking notice on behalf of the respondents 1 and 2, submitted that the second respondent may be directed to implement the orders passed by the first respondent dated 13.03.2020 within a period of four weeks. Further, learned Special Government Pleader submitted that a direction may also be issued to the Deputy Commissioner of Police, Madhavaram to render necessary assistance to the second respondent at the time of taking possession of the secured assets.

4. Since learned Special Government Pleader submits that a direction may be issued to the Deputy Commissioner of Police, Madhavaram, Chennai, this Court finds that the Deputy Commissioner of Police, Madhavaram is proper and necessary party to this writ petition. Accordingly, the Deputy Commissioner of Police, Madhavaram, Chennai is suo motu impleaded as respondent No.4 in the writ petition. Mrs.R.Anitha, learned Special



Government Pleader, takes notice on behalf of the impleaded fourth respondent.

5. In view of the submissions made by learned counsel appearing on either side and since the second respondent has not implemented the order dated 13.03.2020 passed by the first respondent even after a lapse of 1 ½ years, we direct the second respondent - Tahsildar, Madhavaram to implement the order dated 13.03.2020 passed by the first respondent within a period of four weeks from the date of receipt of a copy of this order. We also direct the fourth respondent, the Deputy Commissioner of Police, Madhavaram, Chennai to render necessary assistance by providing adequate police protection to the second respondent at the time of taking possession of the said property.

6. With these observations and directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To:

- 1.The District Collector,
Office of Collectorate,
Chennai - 600 001.
- 2.The Tahsildar,
Madhavaram Taluk,
Madhavaram,
Chennai - 600 060.
- 3.The Deputy Commissioner of Police,
Madhavaram,
Chennai.

+lcc to the Government Pleader, SR.No.60004

W.P.No.24778 of 2021

MG(CO)
CB(20/12/2021)