



W.P.No.9532 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9532 of 2022

M/s.Bank of Baroda,
Adyar Branch,
Rep by its Chief Manager,
Telikicherla Srinivas,
No.77, I Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

.. Petitioner

-VS-

1.The Inspector of Police,
Peerankaranai Police Station,
Guduvancheri Circle,
Tambaram Taluk,
Chennai.

2.Mani

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to give Police Protection to the petitioner Bank officials while entering into the secured asset being the



W.P.No.9532 of 2022

premises in Plot No.23, measuring to an extent of 3960 sq.ft. Comprised in Survey No.255/1 situated at Perungalathur village within the limit of Perungalathur Municipality, Tambaram Taluk, Kancheepuram District.

For Petitioner	: Mr.R.Sreedhar
For Respondent-1	: Mr.A.Gokulakrishnan
	Additional Public Prosecutor
For Respondent-2	: Mr.A.D.Janarthanan

ORDER

This petition has been filed seeking a direction to the first respondent to give Police Protection to the petitioner-Bank officials in respect of the property, which was handed over to the petitioner-Bank by an Advocate Commissioner.

2. The learned counsel appearing for the second respondent submitted that the second respondent has filed an appeal challenging the SARFAESI Proceedings and also the Sale Certificate executed by the petitioner-Bank and the same is pending before the Debts Recovery Tribunal-II, Chennai.



W.P.No.9532 of 2022

WEB COPY

3. Heard the learned counsels appearing on either side and perused the materials available on record.

4. On a perusal of the records placed before this Court, this Court is satisfied that the report filed by the Advocate Commissioner itself indicates that the possession of the property has already been handed over to the petitioner-Bank and the property is under lock and key. Since the possession has already been handed over under due process of law, there cannot be any hindrance for enjoyment of the property. In the event, there is any hindrance of the enjoyment, the first respondent Police is directed to give necessary protection on the complaint given by the petitioner-Bank. It is well open to the second respondent, in the event of his succeeding before the DRT to seek for restitution of possession as per Law.



WEB COPY



W.P.No.9532 of 2022

N.SATHISH KUMAR, J.

rsi

5. With the above observation and direction, this writ petition is disposed of. No costs.

22.06.2022

Index : Yes/no
Speaking order : Yes/No
rsi

To

The Inspector of Police,
Peerankaranai Police Station,
Guduvancheri Circle,
Tambaram Taluk,
Chennai.

W.P.No.9532 of 2022