



W.P.No.30569 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

W.P.No.30569 of 2022
and WMP.No.117389 of 2022

The South Indian Bank Ltd.,
Rep.by its Authorised Officer,
Rajeev,
Regional Office at
No.1084, Trichy Road, Sungam
Coimbatore.

... Petitioner

Vs

1. The Inspector of Police
Tiruppur North Police Station,
Kannpiran Colony
Valipalayam, Tirupur 641 602.

2. The Commissioner of Police
Sirupooluvapatti,
Tirupur - 641 687.

Respondents

....

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first and second respondents to do the needful in assisting the Advocate Commissioner



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and the petitioner Bank in taking over the possession of the properties belonging to M/s.Asia Pacific International, the borrower at Thottipalayam Village, taking into consideration of the Order dated 16.09.2021 passed by the learned Chief Judicial Magistrate, Tiruppur district in CrI.MP.No.545 of 2021.

For Petitioner : Mr.R.Imayavaramban
for M/s.Ramalingam and Associates

For Respondents : Mr.S.Santhosh
Govt.Advocate (CrI.side)

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus directing the first and second respondents to do the needful in assisting the Advocate Commissioner and the petitioner Bank in taking over the possession of the properties belonging to M/s.Asia Pacific International, the borrower at Thottipalayam Village, taking into consideration of the Order dated 16.09.2021 passed by the learned Chief Judicial Magistrate, Tiruppur district in CrI.MP.No.545 of 2021.

2. The learned counsel for the petitioner submitted that the petitioner Bank filed a petition in CrI.MP.No.545 of 2021 before the learned Chief



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Judicial Magistrate, Tiruppur by invoking Section 14 (1) & (2) of the SARFAESI Act seeking assistance for taking actual possession of the secured assets involved in the subject property. The learned Chief Judicial Magistrate, Tiruppur by its order dated 16.09.2021 appointed one R.Balasubramaniam as the Court Commissioner and directed him to assist the petitioner Bank in taking over the impugned property. The Court also granted liberty to the Advocate Commissioner to seek assistance from the Police officials and revenue officials. Hence the Advocate Commissioner gave a representation to the respondent police for providing police protection by letter dated 14.05.2022, but there was no response. Thereafter, the petitioner Bank vide letter dated 14.06.2022 made a representation to the Commissioner of Police, Tiruppur District, requesting to direct the Tirupur North Police Station to provide the Advocate Commissioner and the petitioner Bank with necessary security and assistance while taking actual possession of the impugned property. Since there was no response the petitioner Bank has filed the present writ petition.

3. The learned Government Advocate (Crl.Side) submitted that the petitioner Bank representation is available with the respondent police and they



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are expecting direction from the learned Chief Judicial Magistrate, Tirupur.

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4. Heard both sides and perused the materials available on record.

5. A perusal of records reveals that in the case on hand, there is no case made out warranting invocation of Article 226 giving direction to the Commissioner of Police, Tirupur for providing police protection. Therefore, I find no merits, accordingly, the writ petition stands dismissed. The petitioner Bank may approach the learned Chief Judicial Magistrate, Tiruppur for getting appropriate orders.

6. With the above observation, this writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

17.11.2022

Internet: Yes
Speaking/Non speaking order
dpq

V. SIVAGNANAM, J.



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dpq

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- To
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Tiruppur North Police Station,
Kannpiran Colony
Valipalayam, Tirupur 641 602.
 2. The Commissioner of Police
Sirupooluvapatti,
Tirupur - 641 687.
 3. The Public Prosecutor,
High Court of Madras.

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