



W.P.No.16120 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.16120 of 2023

M/s.Shriram Housing Finance Limited,
No.123, AngappaNaicken Street,
Chennai - 600 001.
Represented through its Authorized Officer,
Mr.Selvin Singh.

...Petitioner

Vs.

- 1.The Deputy Commissioner of Police,
Pallikaranai District.
- 2.The Assistant Commissioner of Police,
Tambaram City Police,
Sholinganallur, Chennai.
- 3.The State represented by
The Inspector of Police,
T-18, Thalambur Police Station,
Chengleput - 603 103.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st Respondent to issue an appropriate direction to the Respondents 2 and 3 to execute an order passed by the learned Chief Judicial Magistrate Chengalpet in C.M.P. No.4309 of 2022 dated 13.06.2022.



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For Petitioner : Mr.V.Balasubramani

WEB COPY For Respondents : Mr.Leonard Arul Joshph Selvam
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed for directing the 1st Respondent to issue an appropriate direction to the Respondents 2 and 3 to execute an order passed by the learned Chief Judicial Magistrate Chengalpet in C.M.P. No.4309 of 2022 dated 13.06.2022.

2. It is the submission of the learned counsel for the petitioner that, petitioner initiated proceedings against respondent in C.M.P.No.4309 of 2022 under Section 14(1) & (2) of the SARFAESI Act. The learned Chief Judicial Magistrate, Chengalpattu passed an order on 13.06.2022 appointing Mr.K.S.Thirunavukarasu, learned Advocate as Commissioner to inspect the petition mentioned property and take inventories, if necessary and thereafter, take possession of the petition mentioned property and hand over the same to the petitioner.

3. There are also directions to Tahsildar to assist the learned Advocate Commissioner and Inspector of Police, Guduvancherry to provide necessary



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police protection to inspect the petition mentioned property. He further submitted that, despite requisition for police protection and a direction from the Commissioner of Police to the Deputy Commissioner of Police, Pallikaranai to deploy one women police constable, one police constable for giving police protection on 26.11.2022 for taking physical possession of the warrant mentioned property, no police was deployed. Under such circumstances, this petition is filed.

4. Learned Government Advocate (Criminal side) submitted that, on 26.11.2022, police force was deployed in bandobust duty and therefore, constables could not be deployed.

5. In the light of the submissions given by the learned counsel for the petitioner, this Court directs the Deputy Commissioner of Police, Pallikaranai to provide necessary police protection to the learned Advocate Commissioner Mr.J.S.Jesupatham, who is now appointed in the place of Mr.K.S.Thirunavukarasu to take possession of the property, as per the orders passed by Chief Judicial Magistrate, Chengalpet in C.M.P.No.4309 of 2022 on 13.06.2022.



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6. The petitioner is directed to inform in writing to the 1st respondent, the date on which, the learned Advocate Commissioner is going to take possession of the petition mentioned property, for the 1st respondent to make arrangements for police protection.

7. With the above directions, this Writ Petition is disposed of. No costs

20.06.2023

Index :Yes/No
Internet :Yes/No
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To

- 1.The Chief Judicial Magistrate,
Chengalpet
- 2.The Deputy Commissioner of Police,
Pallikaranai District.
- 3.The Assistant Commissioner of Police,
Tambaram City Police,
Sholinganallur, Chennai.
- 4.The Inspector of Police,
T-18, Thalambur Police Station,
Chengleput - 603 103.
- 5.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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