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[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.20149 of 2023

Mr.C.Vijaya Singh

Petitioner

vs.

1.The Commissioner of Police,
Type V, Qtr No.5/1 HVF Estate,
Bhaktavatsala Puram,
Avadi, Tamil Nadu - 600 054.

2.The Inspector of Police,
T6 Avadi Police Station,
No.206, Nehru Bazar Road, Nehru Bazar,
Vivekanand Nagar,
Tamil Nadu - 600 054.

3.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Avadi Branch, Chennai.

4.N.Venkatesh

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 10.04.2023 and provide police protection to the petitioner and the 3rd respondent Bank officials while removing the movable articles from the property situate at S.No.231/1pt & 1A pt, Door No.452, Vizhinjiambakkam Village, M.T.H. Road, Avadi, Chennai – 600 054.



For Petitioner : Mr.V.Chandrababu
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 & R2

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st and 2nd respondents to consider the representation made by the petitioner on 10.04.2023 and to provide police protection for removing the movable articles from the subject property.

2.Heard Mr.V.Chandrababu, learned counsel appearing on behalf of the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

3.The petitioner was the successful bidder in the auction that was conducted by the 3rd respondent Bank and a Sale Certificate was executed in favour of the petitioner on 04.04.2019 and it was registered as Document No.4882 of 2019. Thereafter, the 3rd respondent Bank filed an application under section 14 of the SARFAESI Act to take physical possession of the property and this application was allowed and the physical possession was taken and in turn, it was handed over to the 3rd respondent Bank. The 3rd respondent Bank



had handed over the physical possession of the ground floor shops to the petitioner on 18.10.2022.

4.The 4th respondent seems to have created obstructions for removing the movable articles left over in the building. Hence, the 3rd respondent Bank gave a complaint to the 2nd respondent Police seeking for police protection on 02.01.2023 in order to remove the movable articles from the property.

5.The grievance of the petitioner is that the 2nd respondent did not act upon the complaint given by the 3rd respondent Bank and the subsequent representation that was made by the petitioner on 10.04.2023 also did not evoke any response. In view of the same, the present writ petition has been filed before this Court seeking for appropriate direction.

6.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to provide police protection to the petitioner and the 3rd respondent Bank for removing the movable articles from the subject property. This Court expects the 4th respondent to co-operate during the said process without causing any law and order problem. If there is



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resistance from the 4th respondent, it is left open to the 2nd respondent to take action in accordance with law.

7.This writ petition is disposed of with the above direction. No Costs.

07.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
SSR

To

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