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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.19483 of 2023

S.Badrutheen

... Petitioner

vs.

1. S.Rajesh

2. The Manager

DBS Bank India Limited, (earlier Lakshmi Vilas Bank)
Vellalor, Coimbatore

3. The Assistant Commissioner of Police
Coimbatore South (L & O)
Coimbatore 641023

4. The Police Inspector
D-3 (L & O) Pothanur Police Station
Pothanur, Coimbatore 641 023

5. The District Collector
District Collector Office
Coimbatore District

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the third and fourth respondent police to give adequate police protection to the Petitioner's life, liberty and to residing continuously in the property



situated in Door No.1, 39/1, First Floor, Site No.39, Ward No.1701, Sai Nagar, Nadar Colony, Vellalor, Coimbatore comprised in Survey No.968, 967/1 based on the representation of the Petitioner dated 23.05.2023 to the 5th Respondent in accordance with law.

For Petitioner : Mr.Kumarpal R Chopra

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 3 and 4 to act upon the representation made by the petitioner on 25.03.2023 and to give police protection for the life and the property belonging to the petitioner.

2. Heard Mr.Kumarpal R Chopra, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents 3 to 5.

3. This Court carefully went through the materials placed on record. It is seen that the 2nd respondent has already initiated



proceedings under the SARFAESI Act, 2002, for recovery of the loan amount from the petitioner. The petitioner has also filed a suit which is pending in OS No.146 of 2021 before the District Munsif cum Judicial Magistrate Court, Madukkarai. The grievance of the petitioner is that the 2nd respondent is continuously exerting pressure on the petitioner and is attempting to vacate the petitioner from the subject property. That apart, it is also claimed by the petitioner that an order has also been passed by the 5th respondent rejecting the claim made by the Bank for taking physical possession of the property.

4. In the considered view of this Court, affording police protection for a property should be the last resort for a Court to entertain. The petitioner is already agitating his rights before the appropriate forum and the petitioner has to necessarily continue to agitate only before that forum and the police will have no role to play in a case of this nature. That apart, the learned Additional Public Prosecutor brought to the notice of this Court that the complaint /representation made by the petitioner was enquired by the 4th respondent and it was closed by proceedings dated 30.06.2023



directing the petitioner to work out his remedy before the Civil Court.

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5. In the light of the above discussion, this Court is not inclined to grant the relief as sought for by the petitioner. It is left open to the petitioner to work out his remedy before the appropriate forum in the manner known to law.

6. In the result, this writ petition stands dismissed. No costs.

03.07.2023

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

1. The Assistant Commissioner of Police
Coimbatore South (L & O)
Coimbatore 641023
2. The Police Inspector
D-3 (L & O) Pothanur Police Station
Pothanur, Coimbatore 641 023
3. The District Collector
District Collector Office
Coimbatore District
4. The Public prosecutor, High Court of Madras



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N. ANAND VENKATESH,. J.
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