



W.P.No.19709 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19709 of 2023

The Tamil Nadu Industrial Investment Corporation Limited,
Represented by it Loan Administrative Officer,
Poonamallee Branch,
No.13, Ramanuja Koodam Street,
Poonamallee, Chennai - 600 056. .. Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
3. M.Karthickeyan .. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1 & 2 respondents police to provide all assistance to the petitioner's official to do their official duty as per Sec.29 of the State Finance Corporation Act 1951.



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For Petitioner : Mr.V.Devendhiran
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed by the Tamil Nadu Industrial Investment Corporation Limited for a direction to the 2nd respondent to grant police protection in order to enable the Corporation to remove the movable properties from the unit belonging to the 3rd respondent in order to secure the same for recovering the loan dues from the 3rd respondent.

2. Heard Mr.V.Devendhiran, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. The 3rd respondent had availed financial assistance from the Corporation and failed to repay back the loan. Hence, the loan was foreclosed on 14.03.2022 and action was taken under Section 29 of the State Financial Corporation Act, 1951 (hereinafter called as the Act).



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According to the petitioner Corporation, a total sum of Rs.77.33 lakhs is due and payable by the 3rd respondent to the Corporation. The attempt made by the Corporation to negotiate with the 3rd respondent did not fortify and hence, the petitioner corporation issued a demand notice dated 01.08.2022 to the 3rd respondent to take possession of the unit and the movable properties there in. This action was taken pursuant to the power given to the corporation under the Act.

4. The petitioner corporation had deputed their officials to take possession of the movable properties which have been given as security by the 3rd respondent and the same was resisted by the 3rd respondent. Thereafter, a complaint was given to the respondents 1 and 2 seeking for police protection. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5. In the considered view of this Court, the petitioner Corporation has already initiated action under Section 29 of the Act. Considering the amount of money that is due and payable by the 3rd



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respondent, the corporation has to necessarily secure the movable properties which have been given as security and keep it in safe custody.

This precaution must be taken by the petitioner corporation to ensure that the movable properties are not removed from the unit belonging to the 3rd respondent. In view of the same, there shall be a direction to the 2nd respondent to act upon the representation made by the petitioner and to provide police protection to the petitioner corporation to enable the Corporation to remove the movable properties which have been given as a security by the 3rd respondent, to ensure safe custody.

6. This writ petition is disposed of with the above directions.

No costs.

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Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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- To
1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
 2. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
 3. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH, J

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