



WEB COPY



W.P.No.28651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.28651 of 2023

M/s. Jana Small Finance Bank Ltd.,
The Fairway Business Park No.10/1,
11/2 & 12/2B, Off Domlur, Koramangala
Inner Ring Road, Next to Embassy Golf Links
Chllaghatta, Bangalore – 560071
Branch Office Address No.28/36
South West Boag Road, T.Nagar.,
Chennai – 600 017
Represented by its Authorised Officer,
Mr.Veerabagu A

... Petitioner

Vs.

1. The Commissioner of Police,
Tiruppur City,
Tiruppur, Tamil Nadu.
2. The State Represented by,
The Inspector of Police,
15, Velambalayam Police Station,
Tiruppur, Tamil Nadu.
3. Thirumoorthy
4. K.Sellathal
5. Soundarapandiyan
6. Pradeepkumar V

... Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue Writ of Mandamus directing the respondents 1 and 2 to take appropriate legal action against the Respondents 3 to 6 for their illegal occupation and to restore possession of the property to the petitioner as per the order passed by the learned Chief Judicial Magistrate, Tiruppur in Crl.M.P.No.5781 of 2022 dated 22.09.2022 and impose heavy cost on the respondents 3 to 6 for their disobedience /violation of the order passed by the learned Chief Judicial Magistrate, Tiruppur.

For Petitioner : Mr.V.Balasubramani
For R1 & R2 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

Writ Petition is filed seeking Mandamus directing the respondents 1 & 2 to take appropriate legal action against the respondents(3 to 6) for their illegal occupation and restore the possession of the property to the petitioner as per the order passed by the learned Chief Judicial Magistrate, Tiruppur in Crl.M.P.No.5781 of 2023 dated 22.09.2022.

2. Petitioner herein is a micro finance institution which has taken possession of the said property under SARFAESI Act. Alleging that, respondents 3 to 6 has broke open the seal of the property after



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possession taken by the Writ Petitioner, a complaint was given on 03.05.2023. Since, no action was taken by the respondent police, present writ petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, after receipt of the complaint through On-line, matter was enquired and the possession was restored to the writ petitioner. Writ Petitioner has given a letter dated 18.10.2023 that he has taken re-possession of the property in the presence of the Advocate Commissioner and the police men of Velambalayam Police Station and the premises is locked and sealed. Hence, nothing survives in this petition.

4. In view of the submissions made by the learned Government Advocate (Crl. Side), this Writ Petition is dismissed as infructuous.

27.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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Dr.G.JAYACHANDRAN,J.

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1. The Commissioner of Police,
Tiruppur City,
Tiruppur, Tamil Nadu.
2. The Inspector of Police,
15, Velambalayam Police Station,
Tiruppur, Tamil Nadu.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

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