



W.P.No.27096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.9.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27096 of 2023

Reliance Commercial Finance Limited,
(Erstwhile Reliance Home Finance Limited)

Sai JBM Complex, 1st floor,
Building No.536, New No.1057,
Plot No.5, Ponnmalle High Road,
Arumbakkam, Chennai-600 106.

Represented by it's Authorised Officer Mr.Senthilkumar Murugesan

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram City,
Selayur, Chennai-600 126.

2. The State Rep. through
The Inspector of Police,
S-12, Chitlapakkam Police Station,
Jothi Nagar, Chitlapakkam,
Chennai-600 064.



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3. M/s.Ganesa Enterprises,
Represented by Mr.Ganeshbabu.B & Mrs.Poonkodi.G,
No.18, Kodipallam via Manali,
Pudu Nagar, Chennai-600 103.

4. B.Ganeshbabu

5. G.Poonkodi

... Respondents

PRAYER : Writ Petition filed under Article 226 of constitution of India to issue a
Writ of Mandamus directing the 1st and 2nd Respondents to extend their
assistance to the Advocate Commissioner for taking Physical Possession of the
schedule of property by executing the warrant in pursuance of order of the
Learned CJM, Chengalpattu on 29.07.2022 in CrI.M.P.No.5836 of 2022.

For Petitioner : Mr.L.Thiyagaiya

For Respondents No.1 & 2 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for police
protection in order to enable the Advocate Commissioner to take
physical possession of the property pursuant to the order passed by the
learned Chief Chief Judicial Magistrate, Chengalpattu, in



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Crl.M.P.No.5836 of 2022 dated 29.07.2022.

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2. Heard Mr.L.Thiyagaiya, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondent.

3. The petitioner filed a petition before the learned Chief Chief Judicial Magistrate, Chengalpattu, under Section 14 of the SARFEASI Act, seeking for taking physical possession of the secured assets. The learned Chief Judicial Magistrate, Chengalpattu, by order dated 29.07.2022, appointed an Advocate Commissioner to take physical possession of the property and to hand over the same to the petitioner.

4. The grievance of the petitioner is that the Advocate commissioner was repeatedly seeking for police protection and the same was not acted upon and as a result, the order passed by the competent Court is not able to be executed till date. Aggrieved by the same, the present writ petition has been filed before this Court.



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5. Taking into consideration the facts and circumstances of the case and the order passed by the learned Chief Judicial Magistrate, Chengalpattu, in Crl.M.P.No.5836 of 2022 , there shall be a direction to the 2nd respondent to provide sufficient police protection to the Advocate Commissioner in order to enable the Advocate Commissioner to execute the order passed in Crl.M.P.No.5836 of 2022 dated 29.07.2022 and take the inventory and possession of the subject property. The Advocate Commissioner shall make a specific request to the 2nd respondent along with a copy of this order.

6. This writ petition is disposed of in the above terms.

No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No

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To

1. The Commissioner of Police,
Tambaram City,
Selaipur, Chennai-600 126.
2. The Inspector of Police,
S-12, Chitlapakkam Police Station,
Jothi Nagar, Chitlapakkam,
Chennai-600 064.
3. The Public Prosecutor, High Court, Madras.



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N.ANAND VENKATESH,J

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