



W.P.No.27095 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.27095 of 2023

Reliance Commercial Finance Limited,
(Erstwhile Reliance Home Finance Limited)
Branch Office at 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 Authorized 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,
T10, Thirumullaivoyal Police Station,



W.P.No.27095 of 2023

Chennai-Tiruvallur High Road,
Evr Nagammai Nagar, Cholambedu, Avadi-600 109.

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3. A.U.Shahjehan

5. Liji Fathima

... 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, Tiruvallur on 17.10.2022 in Crl.M.P.No.4325 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

2/7



W.P.No.27095 of 2023

physical possession of the property pursuant to the order passed by the learned Chief Judicial Magistrate, Tiruvallur, in Crl.M.P.No.4325 of 2022 dated 17.10.2022.

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 Judicial Magistrate, Thiruvallur, under Section 14 of the SARFAESI Act, seeking for taking physical possession of the secured assets. The learned Chief Judicial Magistrate, Thiruvallur, by order dated 17.10.2022, 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



W.P.No.27095 of 2023

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, Thiruvallur, in Crl.M.P.No.4325 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.4325 of 2022 dated 17.10.2022 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.

14.09.2023

Index : Yes/No
Speaking Order : Yes/No
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4/7



W.P.No.27095 of 2023

WEB COPY

To

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Selayur, Chennai-600 126.
2. The Inspector of Police,
T10, Thirumullaivoyal Police Station,
Chennai-Tiruvallur High Road,
Evr Nagammai Nagar, Cholambedu, Avadi-600 109.
3. The Public Prosecutor, High Court, Madras.



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W.P.No.27095 of 2023

N.ANAND VENKATESH,J

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W.P.No.27095 of 2023



WEB COPY



W.P.No.27095 of 2023

14.09.2023