



W.P.No.27024 of 2023

N.ANAND VENKATESH, J

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The matter is posted under the caption “For being mentioned” today.

On hearing the learned Counsel appearing on either side, this Court does not find any reason to recall or modify the earlier order passed in the Writ Petition.

22.09.2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.27024 of 2023

M/s.India Resurgance ARC
Private Limited, rep.by its
Authorized Officer
Ms.Ragini MK

...Petitioner

vs.

- 1.The Commissioner of Police,
Tambaram Sholingnallur,
Chennai.
- 2.The Deputy Commissioner of
Police, Kanathur.
- 3.The State rep.by
the Inspector of Police,
J12 Kanathur Police Station.
- 4.M/s.Pro Visual Audio Private
Limited (a company through
its Directors/Authorized
Signatory), Chennai-56.

- 5.Mr.P.Natarajan
- 6.N.Maheswari

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st to 3rd respondents to execute the order passed by the Chief Judicial Magistrate, Chengalpet in CMP.No.3185 of 2022 under the SARFAESI Act dated



27.6.2022 for providing police protection.

For Petitioner : Mr.V.Raghavachari, SC for
Mr.V.Balasubramani

For Respondents 1 to 3 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the respondent police to provide police protection in order to execute the order passed by the learned Chief Judicial Magistrate, Chengalpet in CMP No.3185 of 2022 dated 27.06.2022.

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

3. The loan facilities were taken from the petitioner and mortgage was created by deposit of title deeds. The borrowers failed to repay the loan amount and hence, their account was declared as “NPA” on 30.11.2018. Thereafter, the petitioner initiated proceedings under the SARFAESI Act. A demand notice was issued under Section 13(2) of the Act and since the amount was not paid, steps were taken to take possession of the property that was given as security.



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4. The petitioner filed an application under Section 14(1) (2) of the SARFAESI Act for taking possession of the secured assets before the Chief Judicial Magistrate, Chengalpet in CMP No.3185 of 2022. This application came to be allowed by an order dated 27.06.2022 and an Advocate commissioner was appointed to inspect the property and to take inventory and thereafter, to take possession of the property. Even while passing this order, the learned Magistrate had specifically directed the respondent police to provide police protection while taking possession of the assets.

5. The grievance of the petitioner is that the Advocate Commissioner had approached the respondent police several times seeking for police protection and there was no response and accordingly, the order passed in CMP No.3185 of 2022 is not able to be executed till date. Hence, the present petition has been filed before this Court.

6. Taking into consideration the facts and circumstances of the case and the order passed by the learned Chief Judicial Magistrate, Chengalpet, in CMP No.3185 of 2022, there shall be a direction to the 3rd respondent to provide sufficient police protection to the Advocate Commissioner in order to enable the Advocate Commissioner to execute



the order passed in CMP No.3185 of 2022 dated 27.06.2022 and take the inventory and possession of the subject property. The Advocate Commissioner shall make a specific request to the 3rd respondent along with a copy of this order.

7. This writ petition is disposed of in the above terms. No costs.

14.09.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No

To

- 1.The Commissioner of Police,
Tambaram Sholinganallur,
Chennai.
- 2.The Deputy Commissioner of
Police, Kanathur.
- 3.The State rep.by
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- 5.The Public Prosecutor,
High Court, Madras.



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