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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.10.2023**

**CORAM**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

**W.P.No.29613 of 2023**

M/s.Jana Small Finance Bank Ltd., (JSFBL)  
(Formerly known as “Janalakshmi Financial Services Ltd”)  
Having their Regd. Office at  
The Fairway Business Park,  
No.10/1, 11/2, 12/2B  
Off Domlur, Koramangala Ring Road,  
Next to EGL,  
Challaghatta,  
Bangalore – 560 071.

... Petitioner

Vs.

- 1.The Commissioner of Police,  
Salem City, Salem.
- 2.The Deputy Commissioner of Police,  
Salem.
- 3.The Assistant Commissioner of Police,  
Salem.
- 4.The State rep. by  
The Inspector of Police,  
B-4, Annadanapatti Police Station,  
Salem – 636 002.



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5.The Tahsildar,  
Dadagapatty, Salem South, Salem.

6.The Village Administrative Officer,  
Dadagapatty, Salem.

7.Praveen Fabrics  
Rep. by its Proprietor Mr.P.Rajkumar  
S/o.Perumal,  
3/32, Thirugnanan Nagar,  
Dadagapatti,  
Salem – 636 006.

8.Mr.P.Rajkumar

9.Mrs.Priya Periyasamy ... Respondents

**Prayer:** Writ Petition is filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide necessary Police assistance as per the order passed by the Chief Judicial Magistrate, Salem in Crl.M.P.No.108 of 2022 and in Crl.M.P.No.1217 of 2022 under SARFAESI Act dated 24.06.2022.

For Petitioner : Mr.V.Balasubramani

For Respondent : Mr.S.Udaya Kumar  
Government Advocate (Crl. Side)  
for R1 to R6



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## **ORDER**

The petitioner herein has got a favourable order in DRT under SARFAESI Act and had sought seizure of the property with the help of police protection and Advocate Commissioner. The learned Judicial Magistrate, Salem has ordered as prayed for. However it appears that when the Advocate Commissioner went to the property to take possession along with police help there was a dispute regarding identity of the property and therefore, the petitioner could not get the possession of the property. Therefore, he is now before this Court invoking Article 226 of the Constitution and seek for police protection.

2.This Court on perusing the records, find that, the order passed by the learned Judicial Magistrate, Salem regarding seizure of the immovable property through Advocate Commissioner did not fructify due to the some indulgence in spite of the police protection. Therefore, it is for the parties concerned through Advocate Commissioner report about the fact and reason for not executing the warrant issued to the Advocate Commissioner and if any such report is filed, the learned Judicial Magistrate, Salem shall consider the report and pass appropriate orders.



WEB COPY 3. With this direction, this writ petition is disposed of. No Costs.

**16.10.2023**

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Chief Judicial Magistrate, Salem.
2. The Commissioner of Police,  
Salem City, Salem.
3. The Deputy Commissioner of Police,  
Salem.
4. The Assistant Commissioner of Police,  
Salem.
5. The Inspector of Police,  
B-4, Annadanapatti Police Station,  
Salem – 636 002.
6. The Tahsildar,  
Dadagapatty, Salem South, Salem.
7. The Village Administrative Officer,  
Dadagapatty, Salem.



8. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**Dr.G.JAYACHANDRAN,J.**

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