



WEB COPY



W.P. No.29502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

W.P No.29502 of 2023

M/s.L & T Finance Limited,
(Formerly L & T Housing Finance Limited,
merged as per the order dated 15.03.2021,
passed by the National Company Law Tribunal
Mumbai) Registered Office at 7th Floor,
Technopolis, a Wing Plot No.V,
Salt Lake, Kolkata, 700 091,
Branch Office at, KGM Towers, 5th Floor,
No.62, Ethiraj Salai (Commander in Chief)
Road, Thiruvallur, Chennai – 600 105,
Rep. By its Authorized Officer,
Mr.S.Selvamani

.. Petitioner

Vs.

- 1.The Commissioner of Police Avadi,
Type V, Qtr No.5/1 HVF Estate,
Bhaktavatsalapuram, Avadi,
Tamil Nadu 600 054.
- 2.The Deputy Commissioner of Police
Avadi, Chennai – 600 054.
- 3.Assistant Commissioner of Police,
Villivakkam, Chennai.



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4. The State represented by,
The Inspector of Police,
T-3, Korattur Police Station,
E Ave Road, Periyar Nagar,
TNHB Colony, TVS Industries,
Korattur, Chennai,
Tamil nadu 600 080.

5. The Revenue Inspector,
Ambattur, Chennai.

6. The Village Administrative Officer at Padi,
Officers Colony Main Road, Padi,
Chennai.

7. Mr. A. G. Rajan

8. Mrs. I. Tamilselvi.

9. K. Palanivelu
(impleaded as 9th respondent vide order
dated 30.11.2023.)

..Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to provide necessary police protection for taking possession of the property to the petitioner as per the order passed by the Honourable Chief Judicial Magistrate at Thiruvallur in CRL.MP.NO. 3801 of 2022 dated 11/07/2023.

For Petitioner : V. Balasubramani



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For Respondents 1 to 5 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
For Respondent No.9 : Mr.Arun Anbumani for
Mr.S.Mohamed Uduman

ORDER

The petitioner herein seeks police protection claiming that being bank empowered under the SARFAESI Act entitled to take physical possession of the subject property.

2. However, the learned Government Advocate (Crl.Side) appearing for the State submits that necessary police protection was given to the petitioner herein to take physical possession and part of the property the petitioner was able to take possession and in respect of the remaining portion, there is a boundary dispute, therefore rival claimant have resisted from taking possession, hence, they have returned.

3. The learned counsel for the intervener submits that the property belongs to him been shown as boundary in the schedule of the property which the petitioner Bank tried to take possession. However, the boundary is wrongly described and this issue is now been brought to the notice of the Debt Recovery Tribunal.



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4. In the light of the above facts, this Court cannot look into the boundary dispute which is civil in nature and give a blanket direction to give Police Protection to the petitioner to take possession of the property which has a rival claim. It is appropriate to the petitioner Bank to sort out the boundary dispute and thereafter, seek for police protection. Accordingly, this petition is dismissed. No costs.

30.11.2023

Internet : Yes/No

Index: Yes/No

rkp

To

- 1.The Chief Judicial Magistrate,
Thiruvallur.
- 2.The Commissioner of Police Avadi,
Type V, Qtr No.5/1 HVF Estate,
Bhaktavatsalapuram, Avadi,
Tamil Nadu 600 054.
- 3.The Deputy Commissioner of Police
Avadi, Chennai – 600 054.
- 4.Assistant Commissioner of Police,
Villivakkam, Chennai.



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5. The Inspector of Police,
T-3, Korattur Police Station,
E Ave Road, Periyar Nagar,
TNHB Colony, TVS Industries,
Korattur, Chennai,
Tamil naud 600 080.

6. The Revenue Inspector,
Ambattur, Chennai.

7. The Public Prosecutor,
Madras High Cour,
Madras.



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Dr.G.JAYACHANDRAN, J.

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