



W.P.No.34657 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34657 of 2023

M/s.Can Fin Homes Ltd
Rep. by its Authorized Officer, Shiva VR
Having its Branch Office at:-
A 439, Lawrence Complex
Cross Cut Road, Gandhipuram
Coimbatore – 620 012.

.. Petitioner

Vs.

1. The District Collector
The Office of the District Collector
State Bank Road, Gopalapuram
Coimbatore – 641 018.
2. The Superintendent of Police
The Office of the SP of Police
District Police Office, State Bank Road
Gopalapuram, Coimbatore – 641 018.
3. The Deputy Superintendent of Police
(Law and Order), Office of the DSP
Mettupalayam Range, Bharat Bhawan Road
Dasampalaya, Coimbatore – 641 301.



W.P.No.34657 of 2023

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4. The Tahsildar (Revenue) cum
Taluk Executive Magistrate
Annur Taluk Office
Coimbatore – 641 653.

5. The Inspector of Police cum
Station House Officer (Law and Order)
Office of the Inspector of Police
Annur Police Station, Sathy Road
Coimbatore – 641 653.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the Chief Judicial Magistrate, Coimbatore to execute the order dated 31.03.2023 made in Crl.M.P.No.29466 of 2022 and handover physical possession of the Mortgaged Properties to the petitioner company with the assistance of the 4th and 5th respondent herein.

For the Petitioner : Mr.P.Dinesh Kumar
for Mr.S.I.Muthiah

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for R1 and R4

Mr.Raja Kumar
Additional Public Prosecutor
for R2, R3 and R5



W.P.No.34657 of 2023

WEB COPY

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Dinesh Kumar, learned counsel appearing for Mr.S.I.Muthiah, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 4 and Mr.Raja Kumar, learned Additional Public Prosecutor for respondents 2, 3 and 5.

2. Learned counsel for the petitioner submits that the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not being implemented.

3. Learned Additional Public Prosecutor submits that if the petitioner pays the requisite fees as per the relevant Government Order, then necessary police protection would be provided for executing the order.

4. In the light of that, the petitioner may pay the fees as is



W.P.No.34657 of 2023

permissible and is required as per the submission of the learned Additional Public Prosecutor. Thereafter, the third respondent shall provide necessary machinery for implementing the orders passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, of course, if there is no prohibitory order of any court.

5. In view of the above, the writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

20.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.34657 of 2023

WEB COPY

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WEB COPY



W.P.No.34657 of 2023

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W.P.No.34657 of 2023

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