



W.P.No.32666 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Hero FinCorp Limited
Having its Registered Office at
No.34, Community Centre, Basant Lok
Vasant Vihar, New Delhi – 110 057; and

Branch Office at:
5th Floor, Alpha Centre, 150-151
North Usman Road, T.Nagar
Chennai – 600 017.

Rep. by its Associate-Legal and
Authorized Signatory Mr.T.Mahendiran

.. Petitioner

Vs.

1. Commissioner of Police
Coimbatore City, 62, Old Post Office Road
Near Railway Station, Opp. Collector Office
Gopalapuram, Coimbatore – 641 018.
2. The Inspector of Police L&O
B-11, Saibaba Colony Police Station
Mettupalayam Road, Saibaba Kovil
Coimbatore – 641 011.



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3. M/s.Amman Traders (Borrower)
Proprietorship Firm
Through Mr.P.Kannan
Door No.7, Ananda Housing Colony
Velandipalayam, Coimbatore – 641 025.
4. M/s.Sri Kowsalyam Enterprises (Co-Borrower)
Through its Partner, Thenmozhi
No.243, Patel Road, Kattur
Coimbatore – 641 009.
5. M/s.Gold Seal Industries (Co-Borrower)
Through its Proprietor: P.Veerakumar
Door No.1/39/10, SF.No.461/2, Chittur
Karumathampatty (via) Kaniyur Road
Coimbatore – 641 025.
6. P.Kannan (Co-Borrower)
7. P.Veerakumar (Co-Borrower)
8. K.Kasturi (Co-Borrower)
9. Thenmozhi (Co-Borrower)
10. Manikandan
Advocate Commissioner
U.G.No.6, S.R.Lawyer's Colony
Gopalapuram, 3rd Street
Coimbatore – 641 018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the learned Chief Judicial Magistrate at Coimbatore, to take further steps to implement/enforce the order dated 20.01.2020 in Cr.M.P.No.1233 of 2019, passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and to further direct respondents 1 and 2 to aid/assist respondent 10 in executing the warrant by taking physical possession of the aforementioned secured properties.



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For the Petitioner : Mr.Kishore Balasubramanian

For the Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Kishore Balasubramanian, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for respondents 1 and 2.

2. Learned Additional Public Prosecutor appearing for respondents 1 and 2 submits that respondents 1 and 2 would coordinate for enforcing the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for brevity, "*the SARFAESI Act, 2002*"], in case there are no prohibitory orders passed by the Court.



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3. The submissions of learned Additional Public Prosecutor are accepted. In case there are no prohibitory orders, then respondents 1 and 2 shall take appropriate steps for implementing the order passed under Section 14 of the SARFAESI Act, 2002.

4. With these observations, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., C.J.)

(D.B.C., J.)

20.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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