



W.P(MD)No.25307 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD) No.25307 of 2023

M/s Vistaar Financial Services Private Limited,
represented by its Authorised Officer,
Mr.R.Madhukumar.

... Petitioner

Vs.

1.The Inspector of Police,
Sellur Police Station,
Sellur, Madurai.

2.M.Mohammed Meeran

3.M.Murchitha Barveen

... Respondents

(R2 & R3 were suo motu impleaded as party respondents in this case by the order dated 19.10.2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to give police protection to take the physical possession of the property as per the order of the learned Chief Judicial Magistrate, Madurai, dated 24.07.2023 in CrI.M.P.No.483 of 2023.

For Petitioner :Mr.A.Ganesan

For R1 : Mr.M.Sakthi Kumar
Government Advocate
(CrI.side)



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ORDER

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This writ petition has been filed for issuance of Writ of Mandamus, directing the respondent to give police protection to take the physical possession of the property as per the order of the learned Chief Judicial Magistrate, Madurai, dated 24.07.2023 in CrI.M.P.No.483 of 2023.

2. Seeking enforcement of the order passed by the learned Chief Judicial Magistrate, Madurai, in CrI.M.P.No.483 of 2023, representation has been made by the petitioner. He also seeking police protection for the purpose of execution of the above said order.

3. The learned counsel for the petitioner relied upon para 6 of the order, wherein, it has been stated as follows.

“6. In fine, the petition is allowed and Advocate Vignesh (Roll No. Ms. No. 1204/2018) is hereby appointed as Commissioner. He is directed to assist the petitioner for taking possession of the secured as set and to file a report to this effect within one month. At the time of taking possession, if necessary, Advocate Commissioner can get Station House Officer of Sellur Police Station for Police assistance/protection for taking possession and



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Break open (if warranted), without approaching this Court separately for such purpose. The Commissioner's remuneration is fixed at Rs. 15,000/-. The remuneration has to be paid directly by the petitioner to the Commissioner. Report by 24.08.2023.”

4.At the time of execution of the above said order by the Commissioner, some third party was found to be in occupation of the premises. So he cannot render the police protection. When third party is in occupation, then the petitioner has to approach the concerned Court itself for appropriate order. But it has been stated by the petitioner that a direction was issued to the concerned occupant to approach the concerned Court for appropriate remedy. When the third party is in occupation of the land, they have to workout their remedy before the concerned forum only. There is no question of granting police protection herein.

5.In view of the above, this writ petition stands dismissed. No costs.

22.11.2023



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NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

TM

To

- 1.The Inspector of Police,
Sellur Police Station,
Sellur, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.25307 of 2023

Dated 22.11.2023