IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 34964 OF 2024 (GM-POLICE)

BETWEEN:

CAN FIN HOMES LIMITED
A NON-BANKING HOUSING FINANCE COMPANY,
INCORPORATED UNDER COMPANIES ACT, 1956,
REGULATED UNDER THE PROVISIONS OF THE
NATIONAL HOUSING BANK ACT 1987,
HAVING REGISTERED OFFICE AT NO.29/1,
SIR M.N. KRISHNA RAO ROAD, LALBAGH WEST,
BASAVANAGUDI,
BANGALORE-560 004
REPRESENTED BY ITS AUTHORIZED OFFICER
SRI SHIV V R THROUGH D. NARAYANA SWAMY,
ADVOCATE-9945138186.

…PETITIONER

(BY SRI. D. NARAYANA SWAMY, ADVOCATE)

AND:

Digitally signed by B K MAHENDRAKUMAR
Location: HIGH COURT OF KARNATAKA

1. INSPECTOR OF POLICE AND STATION HOUSE OFFICER
   OFFICE OF THE INSPECTOR OF POLICE AND STATION
   HOUSE OFFICER,
   BASAVESHWARA NAGARA
   POLICE STATION, 8TH A MAIN ROAD,
   WEST OF CHORD ROAD,
   1ST STAGE, BASAVESHWAR NAGAR,
   BENGALURU-560 079.

2. ASSISTANT COMMISSIONER OF POLICE
   OFFICE OF THE ASSISTANT COMMISSIONER OF
   POLICE, SERVICE ROAD,
   SBI STAFF COLONY, HOSHALLI EXTENSION,
   STAGE 1, VIJAYANAGAR,
   BENGALURU-560 040.

3. DEPUTY COMMISSIONER OF POLICE
OFFICE OF THE DEPUTY COMMISSIONER OF POLICE,
UPPERPET/CHICKPET DIVISION, 13,
TANK BUND ROAD, UPPARPETE,
BENGALURU-560 053.

4. COMMISSIONER OF POLICE
OFFICE OF THE COMMISSIONER OF POLICE-WEST,
OFFICE OF COMMISSIONER OF POLICE 2,
ALI ASKER ROAD, VASANTH NAGAR,
BENGALURU-560 001.

5. DIRECTOR GENERAL AND INSPECTOR GENERAL
OF POLICE
OFFICE OF THE DIRECTOR AND
INSPECTOR OF POLICE,
BENGALURU POLICE HEAD QUARTERS,
NRUPATHUNGA ROAD, BESIDE RBI,
NRUPATHUNGA ROAD,
BENGALURU-560 001.

ALL RESPONDENTS REPRESENTED BY
GOVERNMENT ADVOCATE
HIGH COURT PREMISES
BENGALURU-560 001.

…RESPONDENTS

(BY SRI. K.P. YOGANNA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT POLICE TO RENDER NECESSARY ASSISTANCE / POLICE PROTECTION WITH MACHINERY / ARMED FORCE TO THE COURT COMMISSIONER AND AUTHORISED OFFICER OF THE PETITIONER WHILE TAKING PHYSICAL POSSESSION OR BREAKING OPEN OF LOCKS OF MORTGAGED PROPERTY IF REQUIRED AS PER ORDER DTD. 03.09.2024 PASSED IN CRL.MISC.PET.NO.4373/2018 BY LEARNED V ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU VIDE ANNEXURE-C AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The learned Magistrate has passed an order in Crl.Misc.No.4373/2018 permitting the petitioner to take possession of the subject property under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security of Security Interest Act, 2002 on 3.9.2024. The learned Magistrate extended the period of two months for implementing the order under Section 14 of SARFAESI Act, 2002 with the assistance of police. The time granted to implement the order passed under Section 14 of the SARFAESI Act, 2002 was extended by this Court for a period of three months in WP No.34292/2024. The petitioner submitted a representation with the police to extend protection to take possession of the subject property.

2. The grievance of the petitioner is that the said representation has not been considered.

3. The learned Additional Government Advocate for the respondents on receiving instructions submits that the representation submitted by the petitioner will be considered in accordance with law.

Therefore, it is expedient to dispose of the petition directing the respondent No.1 to extend protection to the petitioner to take possession of the mortgaged property following the order dated 3.9.2024 passed in Crl.Misc.Petn. No.4373/2018 by the learned V Additional Chief Metropolitan Magistrate, Bengaluru, within one week from the date of receiving certified copy of this order.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

bkm