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Writ Petition No.3395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3395 of 2024

M/s.Reliance Asset Reconstruction Co. Limited,
represented by its Assistant Vice President
Mr.P.Prabhu S/o.Late M.Palanivelu,
having office at 11th Floor, North Side,
R-Tech Park, Western Express Highway,
Goregano (East), Mumbai - 400 063.

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Palladam Road, Tirupur District.

2.The Deputy Superintendent of Police,
NGR Salai Road, Palladam,
Tamil Nadu - 641 664.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of mandamus directing the first respondent to provide adequate police protection to enable the petitioner/Advocate Commissioner, Mrs.M.Pangajavalli, to break open the lock and take possession of the secured asset being the property situated in Tiruppur Registration District, Palladam Sub-Registration District, Palladam Taluk, Semmipalayam Village bearing Survey No.98/1, Punjai, measuring 3.95.5 hectares as stated in the warrant issued in CrI.M.P.No.12629 of 2022 by



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learned Chief Judicial Magistrate, Tiruppur District.

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For Petitioner : Mr.C.Seethapathy

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the first respondent to provide police protection in order to enable the Advocate Commissioner to take possession of the secured asset pursuant to the order passed in CrI.M.P.No.12629 of 2022, dated 29.11.2022.

2. Heard Mr.C.Seethapathy, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. During the time of hearing, a counsel appeared on behalf of the borrower in this case. He stated that the recovery proceedings have already been put to challenge before this Court and some interim orders have been passed.

4. In the considered view of this Court, it is not necessary for this Court to go into the inter se dispute between the bank and the borrower.



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This Court is now concerned about the order passed by the Chief Judicial Magistrate, Tiruppur District in CrI.M.P.No.12629 of 2022, dated 29.11.2022. By virtue of this order, an Advocate Commissioner has been appointed and the Advocate Commissioner has been directed to take possession of the secured assets. The Court has also given permission to the Advocate Commissioner to take the assistance of the police, if required.

5. In view of the above, there shall be a direction to the first respondent to act upon the complaint/representation made by the petitioner dated 31.12.2023. Before acting upon the representation, it is left open to the first respondent to see if any interim order has been passed restraining the petitioner from proceeding further with the recovery. If any such order has been passed, the parties shall be relegated to Court to work out their remedy. If no such order has been passed, the respondent is directed to act upon the order passed by learned Chief Judicial Magistrate, Tiruppur District and provide police protection.

N.ANAND VENKATESH, J



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WEB COPY This Writ Petition is disposed of with the above direction. No costs.

15.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Palladam Road, Tirupur District.

2.The Deputy Superintendent of Police,
NGR Salai Road, Palladam,
Tamil Nadu - 641 664.

3.The Public Prosecutor,
High Court, Madras.

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