



W.P.No.8880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.8880 of 2024

JM Financial Asset Reconstruction Company Limited,
Having its registered office at 7th Floor, Cnergy,
Appasaheb Marathre Marg, Prabhadevi,
Mumbai – 400025.
Branch Office at No.40/1A, 4th Floor,
Basappa Complex, Lavelle Road,
Bangalore – 560 001.

... Petitioner

/versus/

1. The Inspector of Police,
Neelangarai P.S,
J-8, Police Station,
221, SH 49, Saraswathi Nagar,
Neelankarai, Chennai,
Tamil Nadu 600 115.
2. Forward Shoes (I) P.Ltd,
(under liquidation),
Rep. by its Liquidator,
50, Raja Muthiah Road,
Periamet, Chennai - 600 003.
3. Concernia Virginia Chennai P. Ltd,
Rep. by its Liquidator,
50, Raja Muthiah Road,
Periamet, Chennai - 600 003.



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4. Forward Leather Company,
A partnership firm rep. by its,
Managing Partner, Mohammed Yavardhala,
50, Raja Muthiah Road,
Periamet, Chennai – 600 003.

5. Zubeidha Asgar Ali Dhala,
Legal heir of Mr.Asgar Ali Dhala (Since deceased),
Old No.19, New No.14, Sivaganga Road,
Nungambakkam, Chennai – 600 034.

6. Mr.Mohammed Yavar Dhala,
Casuarina Drive No.4,
Kapaleeswarar Nagar,
Neelangarai, Chennai – 600 047.

7. Mr.Ahmed Dhala,
Casuarina Drive No.4,
Kapaleeswarar Nagar,
Neelangarai, Chennai – 600 047.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Inspector of Police, J-8, Neelangarai Police Station, the respondent No.1 herein to provide necessary police protection to the Advocate Commissioner for the purpose of taking physical possession of the Secured Asset, in compliance with the order passed by the Chief Judicial Magistrate, Chengalpattu on 25.08.2022 in Crl.M.P.No.7991/2022 filed under Section 14 of the SARFAESI Act, within a reasonable and expeditious time frame.



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For Petitioner : Mr.A.V.Arun
For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
For R7 : Mr.Ravi, Senior Counsel,
for M/s.Agam Legal
For R8 : Ms.Tanya Kapoor

ORDER

This Writ Petition has been filed to issue Writ of Mandamus directing the Inspector of Police, J-8, Neelangarai Police Station, the respondent No.1 herein to provide necessary police protection to the Advocate Commissioner for the purpose of taking physical possession of the Secured Asset, in compliance with the order passed by the Chief Judicial Magistrate, Chengalpattu on 25.08.2022 in Crl.M.P.No.7991/2022 filed under Section 14 of the SARFAESI Act.

2. Though, the Learned Counsels appearing for the respondents claims that appeal against the order is pending, no order is passed reversing the order of the Chief Judicial Magistrate. Hence, this Court directs the respondent police to given police protection on request from the Advocate Commissioner as per the direction of the Chief Judicial Magistrate, Chengalpattu under Section



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14 of SARFAESI Act.

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3. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

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Index : Yes/No
Neutral Citation : Yes/No
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Copy to:-

1. The Chief Judicial Magistrate, Chengalpattu.
2. The Inspector of Police, Neelangarai P.S,
J-8, Police Station, 221, SH 49, Saraswathi Nagar,
Neelankarai, Chennai,
Tamil Nadu 600 115.
3. The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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