



WEB COPY



WP.No.15160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.15160 of 2024

M/s.Bajaj Housing Finance Limited,
Unit No.209, 210, 2nd Floor, Alpha Wing,
Beta Wing, Raheja Towers,
Rep by its Authorized Signatory
Mr.K.Surendran

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Selaiyur Police Station, Selaiyur.

2. The State Rep by its
Inspector of Police,
Pallikaranai Police Station,
Chennai.

3. Mrs.P.Srividhya

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 2nd respondent to provide police protection to the Advocate Commissioner for taking physical possession of the secured asset in pursuance of the order passed by the Hon'ble Chief Judicial Magistrate, Chengalpattu in Crl.MP.No.4343 of 2023 dated 13.07.2023.

For Petitioner : Mrs.A.S.Neela Narayani



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For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
R1 and R2

ORDER

The petitioner herein is the banking institute which has approached the learned Judicial Magistrate for appointing an Advocate Commissioner to take possession of a property which is subject matter of *SURFAESI* proceedings.

2. The present writ petition is filed seeking mandamus to direct the second respondent police to provide police protection to the Advocate Commissioner for taking physical possession. Infact, the affidavit indicates that the Advocate Commissioner has already taken possession, but, the third respondent had repossessed the property. These are all facts to be decided after affording opportunity to the parties. Section 482 of Cr.P.C is not meant for such process, when the Chief Judicial Magistrate has already taken cognizance of the issue and as appointed an Advocate Commissioner.

3. It is to be noted that Advocate Commissioner is an officer of the



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Court and if there is any interference in the discharge of the warrant by the Advocate Commissioner, it is the Court which has appointed the Advocate Commissioner to take cognizance of the issue and pass orders. The petitioner herein has by-passed the said procedure and has approached this Court invoking the extraordinary jurisdiction of this Court conferred under Article 226 of the Constitution.

4. This Court is of the view that such approach is abuse of process of law. Hence, this Writ petition is dismissed. No order as to costs.

12.06.2024

Vv

To

1. The Assistant Commissioner of Police,
Selaiyur Police Station, Selaiyur.
2. The Inspector of Police,
Pallikaranai Police Station,
Chennai.

Dr.G.JAYACHANDRAN,J.



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