



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2024

CORAM

THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.31544 of 2024

M/S.SRI BHAVANI TRADERS
REP BY ITS PROPRIETOR, D.S.HARIHARAN, NO.941,
TVS COLONY, 54TH STREET, ANNA NAGAR WEST
EXTENSION, CHENNAI- 101.

PETITIONER

Vs

M/S.CANARA BANK
REP BY ITS AUTHORIZED OFFICER, CHENNAI MOUNT
ROAD BRANCH, 781-785, ROYALA TOWERS, ANNA
SALAI, CHENNAI- 600 002.

RESPONDENT

For Petitioner(s):

MR.LEELESH SUNDARAM B
FOR M.RAJESWARAN

For Respondent(s):

MR.R.SREEDHAR
FOR RESPONDENT-1

MR.E.RAJ THILAK
ADDITIONAL PUBLIC PROSECUTOR



WEB COPY

ORDER

(Order of the Court was made by the Hon'ble The Chief Justice)

An oral application was made by Shri.Sreedhar appearing for respondent bank this morning that the police is interfering with the Advocate Commissioner taking possession of the mortgaged property following the dismissal of writ petition by this Court on 05.11.2024.

2. There is a letter dated 11.11.2024 from the Assistant Commissioner of Police, Thirumangalam Range, Chennai 600 101, in which no addressee is mentioned. But, it only says with reference to the execution of the Court order, the Advocate Commissioner has requested police to give adequate police protection, but an order has been issued in W.P.Nos.31544, 34283 & 34284 of 2024.

3. The fact is that the said petitions have been dismissed and we find this letter from the Assistant Commissioner to be absolutely mischievous. The order is very clear that the petition has been dismissed



WEB COPY

and therefore, addressing this communication to the Advocate Commissioner amounts to interference with administration of justice.

4. Mr.R.D.Brahmanandan, Assistant Commissioner of Police is present in Court. Learned Additional Public Prosecutor apologises on behalf of the Assistant Commissioner of Police and seeks leave to withdraw the letter. The Additional Public Prosecutor states that it was a case of misunderstanding by the Assistant Commissioner of Police.

5. Though we find it difficult to believe that an Assistant Commissioner of Police will not understand an order passed by the High Court, nevertheless, in view of the apology tendered and in view of the fact that Assistant Commissioner is withdrawing the letter, we shall let the matter rest here.

6. The Assistant Commissioner of Police, who is present in Court, assures the Court that if the Advocate Commissioner wants to take possession even today, he shall ensure that enough protection is given.



WEB COPY

Statement is accepted as an undertaking to this Court.

7. Mr.Krishna Prabhu I.V., Chief Manager, Canara Bank is also present in Court.

8. The oral application stands disposed of.

(K.R.SHRIRAM, C.J)

(SENTHILKUMAR RAMAMOORTHY J.)

03-12-2024

K.Punniya Lakshmi