



WP(MD). No.19361 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Wednesday, the Sixteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

AND

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WP(MD). No.19361 of 2024

Axis Bank Limited
RAC, 4th Floor Arcot Plaza,
Old No.38 New No.65,
Arcot Road Kodambakkam,
Chennai-600 024
Represented by its
Authorized Officer.

... Petitioner

Vs

1 The Superintendent of Police
Kanyakumari District,
Kanyakumari

2 The Inspector of Police
Thiruvattar Police Station,
Thiruvattar

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India, praying this



WP(MD). No.19361 of 2024

WEB COPY

Court to issue a Writ of Mandamus, directing the respondent police to take suitable legal action based on the complaint, dated 22.03.2024 and further direct the respondent police to offer adequate police protection to the officers and the authorized officer of the petitioner bank, at the time of entering into the secured assets at Door No. 13-5/1 at Kanyakumari District, Marthandam Registration District, Verkilambi Sub Registration District, Thiruvattar Taluk (Formerly Kalkulam), Kumarankudi Village, Verkilambi Town Panchayat to an extent of 14 Cents and 4 Sq Links equivalent to 6100.1424 sq.ft. in Re.Survey No. 194/5A (Old Survey No.262 and 263), namely, the secured asset.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.P.Pethu Rajesh, Advocate for the Petitioner and of Thiru.B.Thanga Aravindh, Government Advocate (Crl.side) for the respondents, this Court made the following order:

[Order of the Court was made by R.SUBRAMANIAN, J.]

It is the claim of the Mr.B.Thanga Aravindh, learned Government Advocate



WP(MD). No.19361 of 2024

WEB COPY

(Crl.) that the Bank Officials have not approached the Police with the request for protection for taking possession in execution of the order of the learned Chief Judicial Magistrate, made under Section 14 of the SARFAESI Act.

2.Mr.Pethu Rajesh, learned counsel appearing for the petitioner denied the said claim and he would submit that written representation has been given on 07.10.2024. But the Police have not provided protection. It is also claimed that the protection was not given because the debtor claimed to have filed a Review Petition.

3.Mr.B.Thanga Aravindh, learned Government Advocate (Crl.) would submit that even if the Bank Officials come tomorrow, the Police will cooperate with them in taking possession of the property.

4.Unless an order of stay or injunction granted by this Court is produced, the Police cannot refuse to implement the orders of this Court. Hence, the Bank Officials will approach the Police tomorrow morning at 10.00 a.m., and the police will give appropriate assistance to ensure that the Bank is put in possession of the property in execution of the order made under Section 14 of the SARFAESI Act.



WP(MD). No.19361 of 2024

WEB COPY

5.Post the matter on 21.10.2024, immediately after C.M.Ps.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

18/10/2024

Sub Assistant Registrar
(CS- I, II, III, IV)

Mrn

TO

1. The Superintendent of Police
Kanyakumari District,
Kanyakumari
2. The Inspector of Police
Thiruvattar Police Station,
Thiruvattar
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



WP(MD). No.19361 of 2024

ORDER DATED : 16/10/2024

POST ON : 21/10/2024

=====

ORDER

=====

WP(MD). No.19361 of 2024

Giving direction and etc.
as stated within.

RD(18.10.2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.