



W.P.(MD).No.28688 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.P.(MD).No.28688 of 2024
and
W.M.P.(MD).No.24230 of 2024

The Manager/Authorized Officer,
PNB Housing Finance Limited,
Nandhini Building 3rd Floor,
No.48, Bypass Road,
Madurai.

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thiruppalai Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 24.10.2024 in C.No.S1(10)/720/38090/2024 of the 1st respondent and quash the same and consequently direct the respondents to offer adequate police protection to the officers and the authorized officer of the petitioner financial institution, at the time of entering



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into the secured asset at Madurai North Taluk, Tiruppalai Group, Siruthur Village, Resurvey No. 296/1, area of 91 cents, U.D.R. Resurvey No.161/1, area of 0.37.0 hectares, excluding the north side sold portion of 13 cent, and the remaining 78 cents in the southern part, where a layout has been created and divided into plots, including 18 plot houses, as per the current property tax receipt, Ward No.025, G.R. Nagar, Door No.678/1, and the house and land boundaries of North side – 25 feet, south side – 33, South west side – 29-½ feet, East side – 29½, and an additional 855 -½ square feet of land, and the tiled RCC ground floor and first floor house built on the said land, namely the secured asset.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.P.Kottai Chamy

Government Advocate (Crl. Side)

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed challenging the impugned order passed by the first respondent dated 24.10.2024.

2. When the Chief Judicial Magistrate, in exercise of the powers under Section 14 of the SARFAESI Act, orders for appointment of an Advocate Commissioner and for police protection while taking possession of the property



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and when the Advocate Commissioner requests for police protection in accordance with the directions of the Chief Judicial Magistrate, there is a duty cast on the Police to comply with the directions of the Chief Judicial Magistrate.

3. In the instant case, the respondents herein have chosen to address the Bank seeking for the current status of the loan account, which is not within their authority. We fail to understand as to how the current status of the loan account of the borrower is in any way connected with the duty, that is to be exercised by the Police for assisting the Advocate Commissioner to take possession of the property.

4. Since the respondents have overstepped their authority in seeking for status of the loan account of the borrower, the impugned order cannot be sustained. Accordingly, the impugned order dated 24.10.2024 on the file of the first respondent is quashed. Consequently, the respondents herein shall forthwith comply with the orders of the Chief Judicial Magistrate in Cr.M.P. No.157 of 2024 dated 21.03.2024, within a period of one (1) week from the date of receipt of a copy of this order.



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5. Accordingly, the Writ Petition stands allowed. There shall be no order

as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (N.S.,J.)
09.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thiruppalai Police Station,
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