



WMP(MD) No.24172 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Second day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
The HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

WMP(MD) No.24172 of 2024
in
REV.APLW(MD)SR.No.73195 of 2024

RAJKUMAR RAJAIYAN

... PETITIONER/PETITIONER

Vs

1 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.

2 THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT, KANYAKUMARI

3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
THIRUVATTAR

... RESPONDENTS/RESPONDENTS

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Grant Leave to the petitioner to file this Review Petition against the Order passed in WP (MD).No. 19361 of 2024 on the file of this Honble Court dated 05.09.2024.



WMP(MD) No.24172 of 2024

PRAYER in REV.APLW(MD)SR.No.73195 of 2024:

To review the order in W.P(MD)No.19361 of 2024 dated 05.09.2024 on the file of this Hon'ble Court and allow this Review application.

Prayer in WP(MD). 19361/ 2024 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent police to take suitable legal action base on the compliant, 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, Marahandam Registration Diustrict, 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 Writ Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.MAHESWARAN R, Advocate for the petitioner and of Mr.PETHURAJESH, Advocate on behalf of the Respondents, the Court made the following order:-

This petition has been filed seeking leave to file a review petition seeking review of the order dated 05.09.2024 made in W.P(MD).No. 19361 of 2024. The petitioner claims that he is a borrower and the Bank has taken possession without notice. The Writ Petitions were filed by the Bank seeking Police protection to enforce the order of the Chief Judicial Magistrate passed under Section 14 of the SARFAESI Act.



WMP(MD) No.24172 of 2024

WEB COPY

2. On behalf of the Police, an assurance was given to the Court that adequate Police protection will be given to the Bank Officials to take possession of the property in terms of the Section 14 of the SARFAESI Act. The said statement was recorded and the Police were directed to give necessary co-operation and protection to the Bank Officials in taking possession.

3. It is now claimed by the petitioner that he is the borrower and certificates and documents are inside the premise. Leaving it open to the petitioner to approach the concerned Debt Recovery Tribunal, we dismiss this petition. If the petitioner gives any representation, the Bank will consider the same sympathetically.

sd/-
02/12/2024

/ TRUE COPY /

/12/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KKN

TO

1 THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT, KANYAKUMARI

2 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
THIRUVATTAR



WMP(MD) No.24172 of 2024

+1. C.C. to Special Government Pleader SR.No.70514(F) DATED 04/12/2024

ORDER
IN
WMP(MD) No.24172 of 2024
in
REV.APLW(MD)SR.No.73195 of 2024
Date :02/12/2024

SS/GSV/SAR- /27/12/2024/ 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023