



W.P.No.4160 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4160 of 2025

Tamilnad Mercantile Bank Ltd.,
Represented by Authorized Officer,
Chennai Registered Office,
Number 45, Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

... Petitioner

Vs

1. The Joint Commissioner of Police,
West Zone, Thiruverkadu,
Chennai.
2. The Inspector of Police,
T-5, Thiruvekadu Police Station,
No. 2, Devinagar, 2nd Street,
Karumariamman Nagar, MGR Nagar,
Thiruverkadu,
Chennai - 600 037.

... Respondents

Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, directing the respondents police to forthwith render assistance the Advocate Commissioner in taking physical possession of the mortgaged property situated at S. No. 490/2, Patta No. 207, Plot No. 5 (North Part), Saraswathi Nagar Ayanambakkam Village, Thiruvallur District



W.P.No.4160 of 2025

within the time frame fixed by this Court so as to implement the order of the Chief Judicial Magistrate, Thiruvallur dated 18.10.2024 in CrI MP 9543/2024.

For Petitioner : Mr. V.Chandrasekaran

For Respondents : Mr. R.Vinothraja,
Government Advocate (CrI.Side)

O R D E R

This Writ Petition has been filed directing the respondents Police, to forthwith render assistance to the Advocate Commissioner while taking physical possession of the mortgaged property comprised in S. No. 490/2, Patta No. 207, Plot No. 5 (North Part), situated at Saraswathi Nagar, Ayanambakkam Village, Thiruvallur District.

2. Heard learned counsel for both sides and perused the materials available on record.

3. The petitioner is the Bank and the borrower availed a credit facility to the tune of Rs.125 lakhs from the petitioner/Bank. While



W.P.No.4160 of 2025

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borrowing the loan, a Guarantor had executed a Memorandum of Deposit of Title Deed dated 29.11.2019, vide Document No.17544 of 2019. Thereafter, the borrower committed default and the petitioner had initiated proceedings under the SARFAESI Act.

4. During the course of the proceedings, an application under Section 14(1) of the SARFAESI Act was filed before the learned Chief Judicial Magistrate, Tiruvallur to take physical possession of the property, which was mortgaged with the petitioner in CrI.M.P.No.9543 of 2024. It was ordered and the Advocate Commissioner was appointed to take physical possession of the subject property.

5. In fact, the said order was challenged by this Court and the same was also dismissed. The Advocate Commissioner is entitled to seek Police assistance at the time of taking physical possession of the subject property. Therefore, the second respondent is directed to provide adequate Police protection to the Advocate Commissioner while taking physical possession of the mortgaged property situated at S. No. 490/2, Patta No.



W.P.No.4160 of 2025

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207, Plot No. 5 (North Part), Saraswathi Nagar, Ayanambakkam Village, Thiruvallur District. The said physical possession shall be completed within a period of two weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is allowed. No costs.

06.02.2025

Index: Yes/No
Neutral Citation/Yes/No
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W.P.No.4160 of 2025

G.K.ILANTHIRAIYAN, J.

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W.P.No.4160 of 2025

06.02.2025