



W.P.No.4726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4726 of 2025

Punjab National Bank,
Rep by its Chief Manager,
Circle Sastra Spencer Plaza,
No.769, Anna Salai,
Chennai – 600 002.

... Petitioner

Vs.

1. The Inspector of Police,
J-10, Semmanchery Police Station,
35, OMR, Rajiv Gandhi Salai,
Ezhil Nagar, Sholinganallur,
Chennai, Tamil Nadu-600 119.

2. M/s.Shri Divine Enterprises,
Rep by its Proprietor MA.Murugesh,
No.488, Kilpauk Garden Road,
Chennai -10.

3. MA.Murugesh

4. C.Durai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to obey the orders of the learned CJM, Chengalpat, passed in C.M.P.No.2172 of 2024 dated 10.07.2024 and consequently to provide necessary police assistant to the Advocate Commissioner to take physical possession of the secured property belonging to the fourth respondent.



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W.P.No.4726 of 2025

For Petitioner : Mr.M.L.Ganesh

For Respondents

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for direction directing the first respondent to obey the orders of the learned Chief Judicial Magistrate, Chengalpat, passed in C.M.P.No.2172 of 2024 dated 10.07.2024.

2. On perusal of records revealed that the petitioner is a bank and they had sanctioned a credit facility to the respondent 2 to 4. Since the respondents 2 to 4 defaulted in repayment, the petitioner bank proceeded as against them under SARFAESI Act. In order to take physical possession of the property, which was mortgaged with the petitioner, the petitioner filed a petition in C.M.P.No.2172 of 2024, before the learned Chief Judicial Magistrate, Chengalpattu, seeking permission for appointment of Advocate Commissioner with the assistance of the first respondent police. It was ordered by an order dated 10.07.2024. Even then, the first respondent did not provide any police



W.P.No.4726 of 2025

protection to the Advocate Commissioner to take physical possession of the secured property.

3. Considering the above facts and circumstances, the first respondent is directed to provide adequate police protection to the Advocate Commissioner while taking physical possession of the property belongs to the fourth respondent within a period of two weeks from the date of receipt of a copy of this Order.

4. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

12.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts

To

1. Chief Judicial Magistrate, Chengalpat.
2. The Inspector of Police,
J-10, Semmanchery Police Station,
35, OMR, Rajiv Gandhi Salai,
Ezhil Nagar, Sholinganallur,
Chennai, Tamil Nadu-600 119.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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W.P.No.4726 of 2025

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.4726 of 2025

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