



W.P.No.7418 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

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

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International Asset Reconstruction Company Pvt. Ltd.,
(acting in its capacity as Trustee of IARF I Trust Scheme I),
having its Registered Office at 406, DLF South Court,
Saket, New Delhi – 110017
and another office at D.No.1, 9th Floor,
Prasanth Gold Towers, No.39, North Usman Road,
T-Nagar, Chennai – 600018,
represented by its Authorized Signatory,
Ms.Aruna Mannath

... Petitioner

Vs.

1. Inspector of Police,
Pollachi Town East Police Station.
2. The Deputy Superintendent of Police,
Pollahci.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, directing the respondents to assist the Advocate Commissioner appointed by an order dated 07.11.2024 and to consider the representations made on 19.11.2024 before the respondents.



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For Petitioner : Mr.R.Sankaranarayanan,
Senior Counsel
for Mr.Ravi Raj Gopal

For Respondents: Mr.A.Gopinath,
Govt. Advocate (Crl. Side)

ORDER

With consent of both sides, this Writ Petition has been taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed for directing the respondents to provide adequate police protection while taking possession of the subject property by the Advocate Commissioner, as per the order dated 07.11.2024.

3. The petitioner is a company registered under the Companies Act, 1956 and also as a securitization company pursuant to Section 3 of the Securitization, Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 (hereinafter referred to as 'the SARFAESI



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Act' for short). Thereafter, the petitioner filed a petition under Section 14 of the SARFAESI Act to take physical possession of the subject property.

4. It is seen from the records, it reveals that the Axis Bank Ltd. has advanced credit facilities to the tune of Rs.708 lakhs. Thereafter, the borrower committed default and the borrower's loan account was declared a non-performing asset. After initiation of proceedings under the SARFAESI Act to take physical possession of the subject property, the petitioner filed a petition in Crl.M.P.No.14721 of 2024 on the file of the learned Chief Judicial Magistrate, Coimbatore under Section 14 of the SARFAESI Act for appointment of an Advocate Commissioner to take physical possession of the subject property. However, the Advocate Commissioner was unable to execute the said order since there were obstructions from the occupier of the subject property. Therefore, the petitioner filed a memo before the respondents seeking necessary police protection while taking possession of the subject property.



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5. In view of the above, the first respondent is directed to provide adequate police protection to the Advocate Commissioner appointed by the learned Chief Judicial Magistrate, Coimbatore, by order dated 07.11.2024, to take physical possession of the subject property within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

04.03.2025

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

To

1. The Inspector of Police,
Pollachi Town East Police Station.
2. The Deputy Superintendent of Police,
Pollahci.
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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