



W.P.No.7874 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

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

W.P.No. 7874 of 2023

M/s.Can Fin Homes Ltd.,
Rep by its Authorised Officer,
Vinoth Kumar M,
Having Its Branch Office at.
Plot No.28, Ground Floor,
Lawyer Krishnasamy Street,
Vedachalam Nagar,
Chengalpattu- 603 001.

..... Petitioner

Vs

1. The Station House Officer and Inspector of Police
Law & Order,
Office of the Station House Officer,
Padalam Police Station,
Chennai - Trichy National Highway,
Chengalpattu District- 631 501.

2. J.Selvam

3. Mala

(R2 & R3 are impleaded vide order
dated 06.06.2023 made in WMP No.
9184 of 2023 in W.P.No.7874 of 2023)

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to give adequate Police Protection to the Petitioner company



W.P.No.7874 of 2023

officials while entering the Mortgaged Property being the premises in Plot No.35 in Old S.No. 654/1, as per patta No.681, New S.No.654/5, 654/6 and 654/7, situated at Thiru Rajendra Avenue layout, No.5, Maiyur Village, Madurantakam Taluk, Kancheepuram District.

For Petitioner : Mr.P.Dinesh Kumar
For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
For R2 & R3 : Mr.K.Gajendiran

ORDER

This Writ Petition has been filed seeking a direction to the respondent to provide police protection to the petitioner to enable him to enter into the property comprised in Plot No.35 in Old S.No. 654/1, as per patta No.681, New S.No.654/5, 654/6 and 654/7, situated at Thiru Rajendra Avenue layout, No.5, Maiyur Village, Madurantakam Taluk, Kancheepuram District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a non-banking finance company and extended a loan facility to the respondents 2 and 3 herein by mortgaging the property bearing Plot No.35 in Old S.No. 654/1, as per patta No.681,



W.P.No.7874 of 2023

New S.No.654/5, 654/6 and 654/7, situated at Thiru Rajendra Avenue layout, No.5, Maiyur Village, Madurantakam Taluk, Kancheepuram

District, by way of deposit of title deeds. Thereafter, the respondents 2 and 3 failed to repay the loan and as such, their loan account was classified as a Non-Performing Asset on 01.05.2018. Pursuant to the same, the petitioner initiated proceedings under SARFAESI Act as against the respondents 2 and 3. The petitioner also filed an application in CrI.M.P.No.8938 of 2021 before the Chief Judicial Magistrate, Chengalpattu. The Trial Court, by an order dated 10.02.2022, allowed the application and appointed an Advocate Commissioner to take physical possession of the mortgaged property. In compliance with the said order, the Advocate Commissioner took possession of the property and handed over the same to the petitioner. Once again, the respondents 2 and 3 re-entered the property and have refused to hand over the possession of the mortgaged property to the petitioner.

4. The learned counsel appearing for the respondents 2 and 3 submitted that they are not in possession of the subject property and that the petitioner can very well take possession of the subject property. He further submitted that the respondents 2 and 3 are residing in the adjacent property.



W.P.No.7874 of 2023

5. In view of the above, the first respondent is directed to provide adequate police protection to the petitioner, while taking possession of the property comprised in Plot No.35 in Old S.No. 654/1, as per patta No.681, New S.No.654/5, 654/6 and 654/7, situated at Thiru Rajendra Avenue layout, No.5, Maiyur Village, Madurantakam Taluk, Kancheepuram District, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands allowed. No costs.

07.02.2025

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



W.P.No.7874 of 2023

WEB COPY

1. The Station House Officer and Inspector of Police
Law & Order,
Office of the Station House Officer,
Padalam Police Station,
Chennai - Trichy National Highway,
Chengalpattu District- 631 501.
2. The Public Prosecutor,
High Court, Madras



WEB COPY



W.P.No.7874 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.7874 of 2023

07.02.2025