



W.P.No. 8559 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

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

W.P.No.8559 of 2025

Tamilnad Mercantile Bank
Represented by Authorised Officer,
Chennai Regional Office,
Number 45, Pulla Avenue, Shenoy Nagar,
Chennai 600 030.

... Petitioner

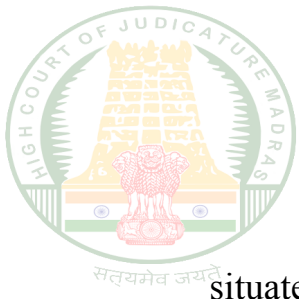
Vs.

1.The Assistant Commissioner of Police,
K1 Sembium Police Station,
Perambur,
Chennai.

2.Inspector of Police,
K1 Sembium Police Station,
Chennai.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondent police to forthwith render assistance to the Advocate Commissioner in taking physical possession of the mortgaged property



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situated at S.No.212 R.S.No.437/25 & 437/2, Block No.23 of Perambur Village situated at Perambur Purasaiwakam Taluk, situated at door No.22/2, Vadivel Mudali Street, Perambur, Chennai 600 011 within the time frame fixed by this court so as to implement the order of Chief Judicial Magistrate, Egmore dated 12.07.2024 in CrI.M.P.No.22551 of 2024.

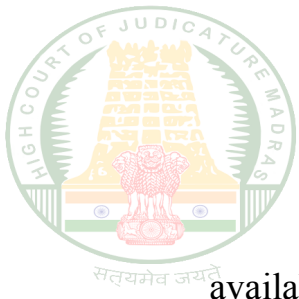
For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.A.Gopinath,
Government Advocate (crl.side).

ORDER

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.212 R.S.No.437/25 & 437/2, Block No.23 of Perambur Village situated at Perambur Purasaiwakam Taluk, situated at door No.22/2, Vadivel Mudali Street, Perambur, Chennai 600 01.

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



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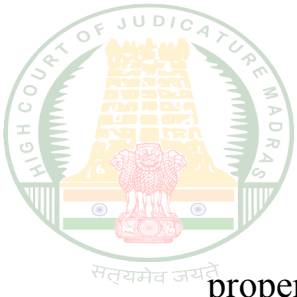
available on record.

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3. The petitioner is the Bank and the borrower availed a credit facility to the tune of Rs.3 Crores from the petitioner/Bank. While borrowing the loan, a Guarantor had executed a Memorandum of Deposit of Title Deed dated 17.12.2018, vide Document No.7642/2018. 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, Egmore to take physical possession of the property, which was mortgaged with the petitioner in CrI.M.P.No.22551 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



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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.212 R.S.No.437/25 & 437/2, Block No.23 of Perambur Village situated at Perambur Purasaiwakam Taluk, situated at door No.22/2, Vadivel Mudali Street, Perambur, Chennai 600 011. 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.

12.03.2025

Speaking/non-speaking order

Index: Yes/No

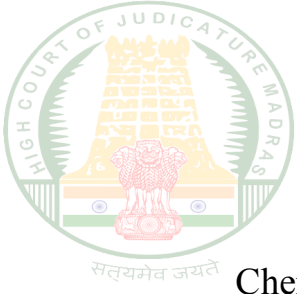
Internet: Yes/No

Neutral Citation: Yes/No

shk

To

1. The Assistant Commissioner of Police,
K1 Sembium Police Station,
Perambur,



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2. Inspector of Police,
K1 Sembium Police Station,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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