



WEB COPY



W.P.No.10791 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.10791 of 2025

Bank of Baroda,  
Rep by its Chief Manager, Mr.Prem Kumar,  
ROSARB-Chennai Metro Region,  
No.10, C.P.Ramaswamy Road,  
1<sup>st</sup> Floor, Alwarpet, Chennai-600 018.

.. Petitioner

-VS-

1. The District Collector,  
Chengalpet District,  
Chengalpattu-603001.
2. The Revenue Divisional Officer,  
Tambaram Division,  
Chengalpet District,  
Chengalpattu-603001.
3. The Tahsildar,  
Tambaram Taluk,  
Chengalpet District,  
Chengalpattu-603001.
4. Inspector of Police,  
T-2, Chrompet Police Station,  
Chennai-600044.



W.P.No.10791 of 2025

WEB COPY

5. Priyamvadha Mathan Kumar

6. S.Mathan Kumar

7. P.Kannan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1<sup>st</sup> to 4<sup>th</sup> respondents to provide necessary assistance to the petitioner Bank in taking physical possession of the secured asset, namely HIG Flat No.355 in the Ground Floor of Block No.D in Free Trade Zone, Phase-II, TNHB, Thiruneermalai Village, Tambaram, measuring 38.09 Sq.mt., as ordered by the learned Chief Judicial Magistrate, Chengalpet, by order dated 10.08.2022 in CMP No.7334 of 2002.

For Petitioner : Ms.Revathi Manivannan

For Respondents : Mr.A.Edwin Prabakar  
State Government Pleader  
for RR 1 to 3

: Mr.E.Raj Thilak  
Addl. Public Prosecutor for R-4

: Mr.H.M.Musthafa  
for RR 5 and 6

\* \* \* \* \*



W.P.No.10791 of 2025

**WEB COPY** **ORDER**  
(Order of the Court was made by the Hon'ble Chief Justice)

The prayer in the petition is only for a direction to the first to fourth respondents, namely, District Collector, Revenue Divisional Officer, Tahsildar and Inspector of Police, Chromepet Police Station, Chennai, to provide necessary assistance to petitioner bank in taking possession of the secured asset as ordered by the Chief Judicial Magistrate, Chengalpet, on 10.08.2022.

2. Mr.H.M.Musthafa takes notice on behalf of respondents 5 and 6 and states that his clients are ready and willing to settle the claim of the bank.

But the problem here for respondents 5 and 6 is that the property has been sold way back in 2021 and if respondents 5 and 6 really wanted to settle, they ought to have settled when the auction notice itself was published or even before that or at least tried to settle with the bank before the property was sold.



W.P.No.10791 of 2025

WEB COPY

3. Ms.Manivannan states that since 2021, the auction purchaser, respondent No.7, has not got possession because of the tactics adopted by respondents 5 and 6.

4. In any case, if respondents 5 and 6 were upset with the order passed under Section 14 of the SARFAESI Act on 10.08.2022, they should have approached the Debts Recovery Tribunal promptly. It is too late in the day.

5. It is alleged in the affidavit that respondents 1 to 4 are not co-operating and are not assisting in the removal of obstructions for the bank to take possession.

6. Sri.Prabakar appearing for respondents 1 to 3 and Sri.Raj Thilak appearing for respondent No.4 assure that they shall render all necessary co-operation. Sri.Prabakar also states that in view of the averments in the petition, if there are any encroachments, steps will be taken to remove the encroachments also. Ms.Manivannan states, the petitioner will inform



W.P.No.10791 of 2025

WEB COPY

respondents 1 to 4 about the date and time when possession is proposed to be taken.

In view thereof, petition is disposed of. There shall be no order as to costs.

**(K.R.SHRIRAM, CJ.)**

**(MOHAMMED SHAFFIQ, J.)**

**02.04.2025**

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The District Collector,  
Chengalpet District,  
Chengalpattu-603001.
2. The Revenue Divisional Officer,  
Tambaram Division,  
Chengalpet District,  
Chengalpattu-603001.
3. The Tahsildar,  
Tambaram Taluk,  
Chengalpet District,  
Chengalpattu-603001.
4. The Inspector of Police,  
T-2, Chrompet Police Station,  
Chennai-600044.



WEB COPY



W.P.No.10791 of 2025

The Hon'ble Chief Justice  
and  
Mohammed Shaffiq, J.

(sra)

W.P.No.10791 of 2025

02.04.2025