



W.P.No. 12968 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

W.P.No.12968 of 2025

M/s.Jana Small Finance Bank Limited,
Senapati Bapat Marg, Lower Parel (West)
Mumbai 400 13 and Branch Office at
CEEBROS Building, No.110, 4th Floor, Nelson Manickam,
Road, Aminjikarai, Chennai 600 029.
Represented by its Authorized Officer Babu Sreejith ... Petitioner

Vs.

1.The Superintendent of Police,
Krishnagiri District.

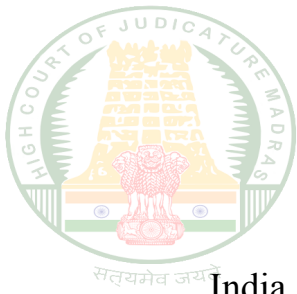
2.The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

3.Pallavi Vasanthkumar

4.Ramkrishnan Kuppaiya

5.Vashanthkumar Ramkrishnan ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



W.P.No. 12968 of 2025

WEB COPY

India, praying for the issuance of Writ of Mandamus, directing the first and second respondent to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002, to take possession of the secured Asset and quash the same and consequently direct the respondents to offer adequate police protection taken action against the trespasser and the authorized officer of the petitioner financial institution, at the time of entering into the secured asset at all that piece and parcel of the property first respondent.

For Petitioner : Mr.K.Siva Raj Pandian

For R1& R2 : Mr.R.Vinothraja,
Government Advocate (crl.side)

ORDER

The writ petition has been filed seeking a direction to the first and second respondents to provide adequate police protection to the petitioner in order to take action against the trespassers, namely the third to fifth respondents, in relation to the auction of a property.

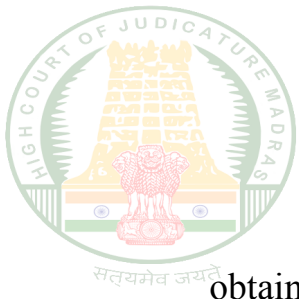


W.P.No. 12968 of 2025

WEB COPY

2. The petitioner, a financial institution, has provided a loan to respondents 3 to 5, which was subsequently not repaid by the said respondents. Due to the failure to repay the loan, the account was declared as a Non-Performing Asset (NPA). The petitioner, pursuant to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “SARFAESI Act”), took action under the Act. The petitioner had taken possession of the property after obtaining an order from the Chief Judicial Magistrate, Krishnagiri, in Crl.M.P.No.15162 of 2023 dated 06.12.2023 under Section 14 of the SARFAESI Act. The said property was scheduled for auction, and a third party was ready to purchase the same. However, while the auction process was being conducted, respondents 3 to 5 illegally trespassed into the property and obstructed the third party from purchasing the property. Therefore, the petitioner lodged a complaint with the concerned authorities seeking police intervention to maintain law and order during the auction process and to prevent any further obstruction or trespassing by respondents 3 to 5.

3. The learned counsel for the petitioner submitted that, despite



W.P.No. 12968 of 2025

WEB COPY

obtaining legal possession of the property, respondents 3 to 5 are continuing their illegal activities by trespassing and preventing the auction process. Hence, he prays to direct the police authorities to provide adequate protection to ensure that the auction proceeds smoothly and that no interference from the respondents takes place during the scheduled auction.

4. Heard both sides and perused the material placed before this Court.

5. On perusal of the records, it is revealed that the petitioner has lawfully taken possession of the property as per the orders of the Chief Judicial Magistrate under the SARFAESI Act. The continued trespass and obstruction by respondents 3 to 5 are illegal and detrimental to the legitimate interests of the petitioner and the third-party purchaser. Therefore, this Court is of the opinion that the petitioner is entitled to police protection to facilitate the auction process and prevent any untoward incidents during the said process. The police authorities are under an obligation to ensure that the auction is conducted in a peaceful



W.P.No. 12968 of 2025

WEB COPY

manner without any hindrance from the trespassers.

6. In light of the above, the second respondent is hereby directed to provide adequate police protection to the petitioner, to prevent any trespassing, obstruction, or unlawful activities by respondents 3 to 5 or any other individuals during the scheduled auction of the property, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands disposed of.

No costs.

09.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk

To

Page 5 of 6



W.P.No. 12968 of 2025

1. The Superintendent of Police,
Krishnagiri District.

2. The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court, Madras.

W.P.No.12968 of 2025

09.04.2025