



W.P.No.16376 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

W.P.No.16376 of 2025

Tamilnad Mercantile Bank Ltd.,
Represented by Authorized Officer,
Washermanpet Branch,
No.20, Gollawar Agrahram Road,
PB.No.1168, Old Washermanpet,
Chennai 600 021

... Petitioner

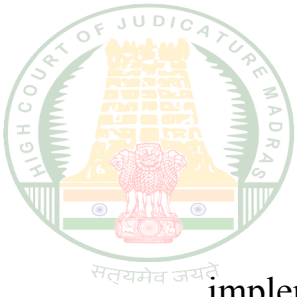
Vs.

1.The Deputy Commissioner of Police,
Greater Chennai Corporation,
Chennai
2.The Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the respondent police to
forthwith render assistance to the Advocate Commissioner in taking
physical possession of the mortgaged property mentioned in the schedule
of the writ petition within the time frame fixed by this Court so as to



W.P.No.16376 of 2025

WEB COPY

implement the order of Chief Judicial Magistrate, Egmore dated 20.02.2023 passed in Crl.MP.No.1422 of 2023.

For Petitioner : Mr.V.Chandrasekaran

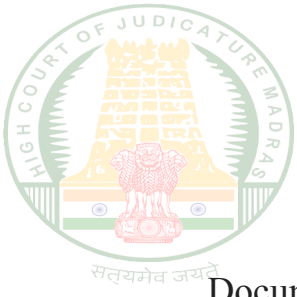
For Respondents : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This writ petition has been filed for direction to the respondents police to forthwith render assistance to the Advocate Commissioner in taking physical possession of the mortgaged property mentioned in the schedule of the writ petition within the time frame fixed by this Court so as to implement the order of Chief Judicial Magistrate, Egmore dated 20.02.2023 passed in Crl.MP.No.1422 of 2023.

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

3. The petitioner is the Bank and the borrower availed four credit facility from the petitioner/Bank. While borrowing the loan, he had executed a Memorandum of Deposit of Title Deed dated 05.04.2019, vide



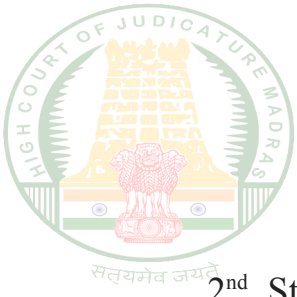
W.P.No.16376 of 2025

WEB COPY

Document No.1046 of 2019. 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 Crl.M.P.No.1422 of 2023. It was ordered and the Advocate Commissioner was appointed to take physical possession of the subject property.

5. In fact, the borrower approached Debt Recovery Tribunal-III challenging the possession notice dated 05.07.2022, but the same was dismissed and the said order was challenged before 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 property. Therefore, the second respondent is directed to provide adequate Police protection to the Advocate Commissioner while taking physical possession of the mortgaged property of the land and building bearing plot No.59, old door No.1/1, Manali Chinnaiah Mudali Thottam



W.P.No.16376 of 2025

WEB COPY

2nd Street (also known as M C M Garden 2nd Street), presently old No.554/2, New No.730/2, Thiruvottriyur High Road, Chennai 600 021 comprised in Old S.No.1332, RS Nos.3756/93, 3756/94, CC No.96, Old Patta CA No.540-2006, situated at Tondiarpet Village, Fort Tondiarpet Taluk, Chennai District.

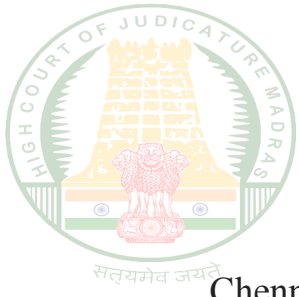
6. With the above observations, this Writ Petition is allowed. No costs.

30.04.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To
1.Chief Judicial Magistrate, Egmore
2.The Deputy Commissioner of Police,
Greater Chennai Corporation,
Chennai
3.The Inspector of Police,
H-3 Tondiarpet Police Station,

4/6



W.P.No.16376 of 2025

Chennai
4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

lok



WEB COPY



W.P.No.16376 of 2025

W.P.No.16376 of 2025

30.04.2025