



W.P.No.17047 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

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

W.P.No.17047 of 2024

M/s.India Resurgence Arc Private Limited
Represented By Its Authorised Signatory,
V.K.Yunus Mohammed

... Petitioner

Vs

1. The State Represented By
The Station House Officer,
Thirubhuvanai, Puducherry 605107.

2. Poal Labour Union,
42 Bharathi Mill Thittu,
Cuddalore Road, Mudaliarpeta,
Puducherry 605004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to provide adequate police protection to the petitioner to enable them to enter and to exit the factory together with their workmen, contract workmen, staff, officers and other managerial personnel and customers, send and receive the materials and ensure that the 2nd respondent and its members are 500 meters away from the main gate and factory premises and maintain law and order, peace in and around the factory premises being M/s.Pondicherry Oxy-Acetylene Private Limited



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measuring 1,15,200 sq.ft. at Old Cadastre No.361/1/3 (part), 316/2/2/1, 361/2/5/2 (part), 361/2/2, 361/2/1, 361/2/3 (part), 361/2/5/1 and 361/2/5/2/2/2. Re-Survey No.97/7 part Old Cadastre No.361/2/5/2/2/2 situated in Thirubhuvanai Village, Villianur Taluk, Puducherry.

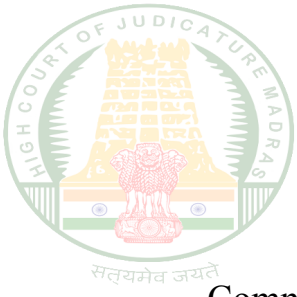
For Petitioner : Mr.J.Rajmohan
For R1 : Mr.K.S.Mohandass
Public Prosecutor (Pondy)
For R2 : Mr.A.Goverdhan Rao

ORDER

This Writ Petition has been filed for direction directing the first respondent to provide adequate police protection to the petitioner to take possession of the subject property.

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

3. The petitioner is a secured creditor and initiated proceedings under SARFAESI Act as against the borrower. Thereafter, the petitioner filed an application under Section 14 of SARFAESI Act, on the file of the Chief Judicial Magistrate, Puducherry for taking physical possession by appointing Advocate Commissioner. Accordingly, an Advocate



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Commissioner was appointed and the physical possession of the secured assets have been taken over by the petitioner on 29.07.2022. However, the second respondent, being the Union of Labour, obstructed the petitioner even from entering into the premises which were already taken physical possession by the petitioner through the Advocate Commissioner.

4. In view of the above, the first respondent is directed to conduct enquiry on the representation submitted by the petitioner and pass an order to provide necessary police protection, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition petition is disposed of. No costs.

04.03.2025

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

G.K.ILANTHIRAIYAN. J.

mn



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To

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2. Poal Labour Union,
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Puducherry 605004.
3. The Public Prosecutor,
High Court, Madras.

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