



W.P.No.18533 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.18533 of 2024

and

W.M.P.Nos.20312 & 27280 of 2024

M/S.L And T Finance Ltd.,
(Formerly L And T Housing Finance Ltd.,)
Merged As Per The Order Dated 15.03.2021
Passed By National Company
Law Tribunal Mumbai
Branch Office At Kgm Towers, 5th Floor,
No.62, Ethiraj Salai (Commander in Chief) Road,
Tiruvallur Chennai-600 105,
Rep. By Its Authorized Officer
G.Venkatesh

...Petitioner

Versus

1.The Commissioner of Police Avadi
Type V, Qtr No.5/1 HVF Estate,
Bhaktavatsala Puram,
Avadi,
Tamil Nadu 600 054.

2.The Deputy Commissioner of Police Avadi
Avadi Chennai-600 054.



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3.The Assistant Commissioner of Police,
Villivakam, Chennai.

4.The State Rep. By
The Inspector of Police,
T-3, Korattur Police Station,
E Ave Rd, Periyar Nagar, TNHB Colony,
TVS Industries, Korattur,
Chennai Tamil Nadu-600 080.

5.The Revenue Inspector
Ambattur, Chennai.

6.The Village Administrative Officer at Padi
Officers Colony Main Road, Padi Chennai.

7.A.G.Rajan

8.I.Tamilselvi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to provide necessary police protection for taking possession of the property to the petitioner as per letter issued by the Advocate Commissioner dated 08.01.2024 with regards to the order passed by the Honourable Chief Judicial Magistrate, Thiruvallur, in Crl.MP. No.3801 of 2022 dated 11.07.2023 and the order passed by the Honourable Chief Judicial Magistrate, Thiruvallur.

For Petitioner	:	Mr.V.Balasubramani
For R1 to R4	:	Mr.A.Gopinath Government Advocate (Crl.Side)
For R5 & R6	:	Mr.P.Balathandayutham Special Government Pleader
For R7 & R8	:	Mr.M.Srinish



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ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 4 to provide adequate police protection while taking possession of the property through the Advocate Commissioner.

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

3. The petitioner is a Financial Institution under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. While being so, the respondents 7 and 8 borrowed a sum of Rs.2,07,00,000/- by availing of a loan facility and mortgaging the immovable property. Thereafter, they committed default. Therefore, the petitioner issued a demand notice under Section 13(2) of SARFAESI Act to the respondents 7 & 8. After taking symbolic possession of the schedule mentioned property under the SARFAESI Act, the petitioner was not able to take physical possession of the property. Therefore, they filed a petition in CrI.M.P.No.3801 of 2022 on the file of the Chief Judicial Magistrate, seeking the appointment of an Advocate Commissioner to take physical possession of the mortgaged property. By



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an order dated 11.07.2023, the said application was allowed and an Advocate Commissioner was appointed to take physical possession of the subject property. However, when the Advocate Commissioner attempted to take physical possession of the subject property, there was obstruction from the 7th and 8th respondents.

4. Therefore, the petitioner filed a writ petition before this Court in W.P.No.29502 of 2023 seeking a direction to provide police protection while taking physical possession of the subject property. However, the said writ petition was dismissed based on the submissions made by the intervenor, who alleged that the petitioner was attempting to take possession of the property by mentioning wrong boundary details. Now, the Advocate Commissioner verified all the documents including the deposited title deeds, and has clarified that even at the time of seeking police protection in W.P.No.29502 of 2023, the details were accurate. Therefore, a false representation was made before this Court and the writ petition was dismissed. Now, the Advocate Commissioner revealed that all the revenue records were verified and they are ready to take over the possession of the subject property.



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5. In view of the above, the fourth respondent is directed to provide police protection to the Advocate Commissioner while implementing the order passed by the Chief Judicial Magistrate, Tiruvallur, in CrI.M.P.No.3801 of 2022 dated 11.07.2023, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs

04.03.2025

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

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4.The Inspector of Police,
T-3, Korattur Police Station,
E Ave Rd, Periyar Nagar, TNHB Colony,
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