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WP No. 22406 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

WP No. 22406 of 2025

1. Jana Small Finance Bank Limited
Senapati Bapat Marg,
Lower Parel (west),
Mumbai 400 013 And Branch Office At
CEEGBROS Building No 110, 4th Floor,
Nelson Manickam Road, Aminjikarai,
Chennai 600 029
Represented By Its Authorized Officer
P. Salil

Petitioner(s)

Vs

1. The Superintendent Of Police
Salem District

2.The Inspector Of Polcie
Gangavalli Police Station,
Salem District

3.Ananthi Marimuthu
Prop Of Ananthi Milk,
W/o Marimuhu,



D. No 1/349, Pillayar Koyel,
Kadampur, Attur, Salem 636 105

WEB 4. Marimuthu

S/o Sellam, D. No 1/349,
Pillayar Koyel, Kadampur,
Attur,
Salem 636 105

5. Seenivasan Marimuthu
S/o Marimuthu
No 1/349 Pillayar Koyel, Kadampur,
Attur,
Salem 636 105

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, to direct the Respondent No. 1 and 2 to give adequate police protection and to take 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, Situated at All the piece and parcel of the immovable property with building bearing Tamil Nadu, Salem District, Salem East Road, Gangavalli Sub road, Kadampur Village, Gangavalli Taluk, in Old Survey No 128 as per Patta No 937 New survey No 459 / 5 related land with building situated with the following boundaries on:

on the east of Swrna Rettayar house,
on the west of Swrna Rettayar House,



On the south of Road

On the North of Property belongs to Swrna Rettayar,

Ad-measuring East West South Side 31 1/2 feet, North Side 33 1/4 feet, North-South side 77 1/2 Feet, East side 71 feet Totally 2475 Sq. ft of land in full and with all pathway rights and easement rights annexed thereto along with the RCC House with all accessories like doors, Windows, electrical installations etc

For Petitioner(s): M/s.M. Gracy Mercy
for SRP Associates

For Respondent(s): Dr.C.E.Pratap,
Government Advocate (Crl.Side)
For R1 And R2

ORDER

This Writ Petition has been filed to direct the Respondents 1 and 2 to give adequate police protection and to take 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, situated at all the piece and parcel of the immovable property with building in Tamil Nadu, Salem District, Salem East Road, Gangavalli Sub road, Kadampur Village, Gangavalli Taluk, in Old Survey No 128 as per Patta No 937, New survey No

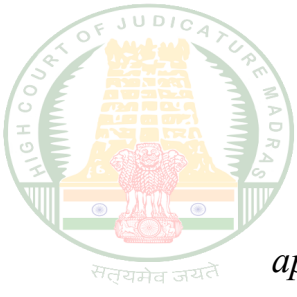


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459 / 5 related land with building situated with the following boundaries on: on the east of Swrna Rettiyar house, on the west of Swrna Rettiyar House, on the south of Road ,on the North of Property belongs to Swrna Rettiyar, ad-measuring East West South Side 31 1/2 feet, North Side 33 1/4 feet, North-South side 77 1/2 Feet, East side 71 feet Totally 2475 Sq. ft of land in full and with all pathway rights and easement rights annexed thereto along with the RCC House with all accessories like doors, Windows, electrical installations etc.,

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. On a perusal of the records, it is seen that the petitioner herein had already filed Crl.M.P.No.1825 of 2024 on the file of the Chief Judicial Magistrate Court, Salem seeking assistance of the Court for taking possession of schedule property under Section SARFAESI Act, 2002. The learned Chief Judicial Magistrate vide order dated 15.11.2024 allowed the petition, the relevant portion of the order is as follows:



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5. In the result, this petition is allowed, there by appointing Mr.A.Tamilanban as an Advocate Commissioner:

i To inspect the property and prepare a mahazar with details of the properties along with photos.

ii. Take inventories,

iii. Take physical possession from the respondents in the presence of VAO and immediately hand over to the petitioner/secured creditor

iv. If necessary, take assistance of Police and Revenue Officials in executing the warrant.

v. If door of the schedule property is locked, the Advocate Commissioner is directed to break open the door with the assistance of the concerned jurisdictional Police officials.

The petitioner has not produced any material to show that the Advocate Commissioner has filed a report regarding inspection of the schedule property and filed a memo for further orders, as directed by the learned Chief Judicial Magistrate or the petitioner has approached the learned Chief Judicial Magistrate for further orders and the Chief Judicial Magistrate refused to grant



the relief. In the absence of the same, this Court is not inclined to grant the relief as sought for by the petitioner in this writ petition.

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4. In view of the above, this Writ Petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law before the Chief Judicial Magistrate, Salem.

15-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The Superintendent Of Police
Salem District.

2. The Inspector Of Polcie
Gangavalli Police Station,
Salem District.

3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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