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W.P.(Crl.).Nos.193 and 194 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.(Crl.)Nos.193 and 194 of 2025

M/s.Truhome Finance Limited
(Formerly Shriram Housing Finance Limited),
having its Head office at:
Level 3, Wockhardt Towers,
East Wing, C-2, G Block,
Bandrakurla Complex,
Bandra(E), Mumbai – 400 051.
also having its office at:
Srinivas Tower, First Floor,
Cenatopha Road, Thenampet,
Chennai – 600 018.
represented by its authorized officer,
Mr.Selvin Sing

...Petitioner in both the WPs

Vs.

1. The State, represented by
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Rajiv Gandhi Salai, Pillaiyar Koil Street,
Jothi Nagar, Thoraipakkam,
Tamil Nadu 600 097.



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2. The Assistant Commissioner of Police,
3, Rajiv Gandhi Salai, Jothi Nagar,
Thoraipakkam, Tamil Nadu 600097.

3. Rajeswari

4. S.Jayaseelan

..Respondents in W.P.No.193/25

1. The State Represented by
The Inspector of Police,
H2, Guduvancheri Police Station,
R3V6+J6Q, Chennai – Villupuram – Trichy-Kanyakumari Rd,
Kamarajapuram, Guduvancheri,
Tamil Nadu 603 202.

2. The Superintendent of Police
Mxfh+Q87, VOC Nagar,
Chengalpattu,
Ammanambakkam,
TamilNadu 603 001.

3. Krishnamoorthy

4. Hemalatha

..Respondents in W.P.No.194/25

Prayer in both WPs : Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first and second respondents to render necessary police assistance to execute the order passed by the Chief Judicial Magistrate at Chengalpattu in Crl.M.P.Nos.4477 and 4476 of 2024 dated 12.12.2024.



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For Petitioner : Mr.Balasubramani – in both WPs

For Respondents: Dr.C.E.Pratap,
Govt. Advocate (Crl.Side)
for RR1 and 2 - in both WPs

ORDER

These petition have been filed seeking directions to the respondents 1 and 2 to render necessary police assistance to execute the order passed by the learned Chief Judicial Magistrate at Chengalpattu in Crl.M.P.Nos.4477 and 4476 of 2024 dated 12.12.2024.

2 According to learned counsel for the petitioner, the private respondents in both the petitions have availed loan from the petitioner and failed to repay the same. Therefore the petitioner initiated proceedings under Section 13(4) of SARFAESI Act and filed a petition under Section 14 of the Act before the learned Chief Judicial Magistrate, Chengalpattu. The learned Magistrate also passed an order appointing an Advocate Commissioner to take possession of the mortgaged property and hand over the same to the petitioner. Thereafter despite repeated reminders



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and request, the official respondents have failed to render necessary assistance to take possession. Hence the petitioner is before this Court seeking directions to the official respondents to render necessary protection.

3 The learned Government Advocate (Crl.Side) for the official respondents would submit that the respondents are ready to extend their co-operation as ordered by the learned Chief Judicial Magistrate.

4 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the official respondents and perused the materials available on record.

5 It is seen that the petitioner is rendering financial assistance to their customers. The private respondents availed loan from the petitioner and they committed default in repaying the same. Therefore the petitioner initiated proceedings under the SARFAESI Act and also got an order of possession from the learned Chief Judicial Magistrate.



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6 A bare reading of the order dated 12.12.2024 of the learned Chief Judicial Magistrate reveal that already the Magistrate granted the relief of police protection, which again sought for in the present petition. The petitioner instead of approaching the learned Chief Judicial Magistrate, who granted the relief sought for in the present petition, approached this Court invoking Article 226 of the Constitution of India, which is unwarranted. Therefore this Court is not inclined to grant any relief as sought for by the petitioner.

7 Accordingly, these Writ Petitions stand dismissed. However, the petitioner is at liberty to workout its remedy in the manner known to law.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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2. The Assistant Commissioner of Police,
3, Rajiv Gandhi Salai, Jothi Nagar,
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3. The Inspector of Police,
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Tamil Nadu 603 202.
4. The Superintendent of Police
Mxfh+Q87, VOC Nagar, Chengalpattu,
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5. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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