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W.P.(CrI)No.257 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

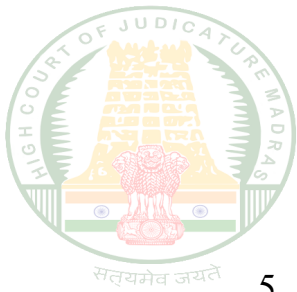
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M/s. Jana Small Finance Bank Limited,
Senapati Bapat Marg, Lower Parel (West)
Mumbai – 400 013 and Branch Office at
CEEGBROS Building, No.110, 4th Floor,
Nelson Manickam Road, Aminjikarai, Chennai – 600 029.
represented by its Authorized Officer
P.Salil

...Petitioner

Vs.

1. The Deputy Commissioner of Police,
Kolathur District.
2. The Assistant Commissioner of Police,
Kolathur District.
3. The Inspector of Police,
Puzhal Police Station,
Kolathur District.
4. M/s.GM Enterprises
represented by its Proprietor Mani,
New No.48, Teachers Colony,
Subash Nagar, Puthagaram,
Kolathur, Chennai – 600 099.



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5. Mani
6. Selvi

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, 1950, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to give adequate police protection for evicting the respondents 4 to 6 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 bearing Plot No.7A, Comprised in S.No.67/1, measuring with an extent of 904 Sq.ft. situated at “Kamalam Nagar” Puthakaram Village, Poonamallee Taluk, Thiruvallur District and within the Sub Registration District of Ambattur and the Registration District of North Chennai.

For Petitioner : Mr.R.Ahokkumar

For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side)
For RR1 to 3

ORDER

This Writ Petition has been filed seeking directions to the respondents 1 to 3 to render necessary police assistance to execute the order passed by the learned Chief Judicial Magistrate, Tiruvallur, in Crl.M.P.Nos.2253 of 2022 dated 17.11.2023.



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According to learned counsel for the petitioner, the private respondents 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, Thiruvallur. 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 and request, the official respondents have failed to render necessary assistance to take possession. At last, the Advocate Commissioner filed a memo before the Chief Judicial Magistrate as directed by the Magistrate, while ordering possession, which has not been taken on file. Hence the petitioner is before this Court seeking directions to the official respondents to render necessary protection.

3

The learned Government Advocate (CrI.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.



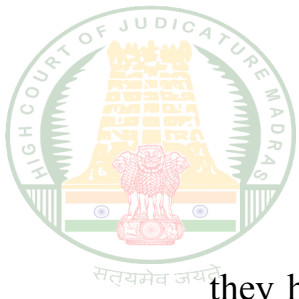
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4 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) appearing for the official respondents and perused the materials available on record.

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.

6 A bare reading of the order dated 17.11.2023 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 learned Chief Judicial Magistrate, Thiruvallur, also directed the Advocate Commissioner to approach him, in case of urgency, by way of memo. Even though the learned counsel for the petitioner submitted that



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they have filed memo before the Magistrate, neither in the affidavit nor in the grounds of the present Writ Petition, it has been averred so. 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, the Writ Petition stands 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

To

1. The Deputy Commissioner of Police, Kolathur District.
2. The Assistant Commissioner of Police, Kolathur District.
3. The Inspector of Police, Puzhal Police Station, Kolathur District.
4. The Public Prosecutor, Madras High Court.

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