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WP CrI. No. 316 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

WP CrI. No. 316 of 2025

1. P.Sakthivel Murugan
S/o.K.Periyasamy,
15, Bridgeway Colony Extn,
Tiruppur-641607.

Appellant(s)

Vs

1. The Commissioner of Police,
Commissioner Office,
Avinashi Road, Kumar Nagar,
Tiruppur-641 603.

2.The Assistant Commissioner of Police,
North Police Station,
Tiruppur.

3.The Inspector of Police,
North Police Station, Tiruppur.

4.The Authorized Officer,
Karur Vysya Bank Limited, No.315,
Kumaran Road, Tiruppur-641 601.



5.N.Mahadevan

S/o.Narayanasamy,

Director of Sri.Lakshminarashimman Knit

Fashion Pvt.Ltd.,

No.13/1, Dhuvaragai Nagar,

4th Street, College Road,

Gandhinagar Post, Tiruppur-641 602.

6.N.Mahalingam

S/o.Narayanasamy,

Director of Sri.Lakshminarashimman Knit

Fashion Pvt.Ltd.,

No.13/1, Dhuvaragai Nagar,

4th Street, College Road,

Gandhinagar Post, Tiruppur-641 602.

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of issue a Writ of Mandamus directing the 1st to 3rd respondents to provide adequate police protection to the Advocate Commissioner Tmt.V.Poornima appointed by the Chief Judicial Magistrate vide his order dated 15.03.2022 in CrI.M.P.No.886 of 2022 for taking physical possession of the property, purchased by the petitioner in the auction conducted by the 4th respondent, situated at Door No.13/1, Site No.47, S.F.No.521, Dhuvaragai Nagar, 4th Street, College Road, 15 Velampalayam village, Tiruppur Taluk and District and consequently direct the 4th respondent to handover physical possession of the said property to the petitioner within a time limit.



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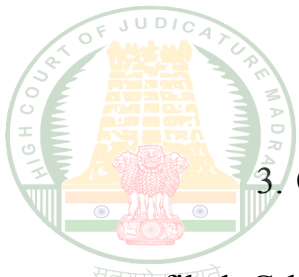
For Appellant(s): Mr.Pon Gowtham Kumar
for M/s.Pon Law Associates

For For R1 To R3: Dr.C.E.Pratap
Government Advocate (CrI.Side)

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to provide adequate Police protection to the Advocate Commissioner Tmt.V.Poornima appointed by the Chief Judicial Magistrate vide order dated 15.03.2022 in CrI.M.P.No.886 of 2022, for taking physical possession of the property, purchased by the petitioner in the auction conducted by the 4th respondent, situated at Door No.13/1, Site No.47, S.F.No.521, Dhuvaragai Nagar, 4th Street, College Road, 15 Velampalayam village, Tiruppur Taluk and District and consequently direct the 4th respondent to handover physical possession of the said property to the petitioner within a time limit.

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



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3. On a perusal of the records, it is seen that the fourth respondent-Bank filed CrI.M.P.No.886 of 2022 before the learned Chief Judicial Magistrate, Tiruppur, seeking possession of the scheduled mentioned property. The learned Chief Judicial Magistrate, Tiruppur has also appointed an Advocate Commissioner for taking possession of the said property and taken over the same to the auction purchaser. If there is any hindrance or difficulties, the petitioner has to approach before the learned Chief Judicial Magistrate. Further, it is seen that no record is available to show that the Advocate Commissioner filed a report before the Chief Judicial Magistrate, expressing difficulties in taking possession of the property. In the absence of same, this Court cannot entertain this petition, by invoking 226 of the Constitution of India. When there is a specific provision available under SARFAESI Act and a statutory remedy is available before the learned Chief Judicial Magistrate, Tiruppur, the petitioner has to approach the learned Chief Judicial Magistrate to seek his remedy. This Court is not inclined to invoke extraordinary jurisdiction by invoking Article 226 of the Constitution of India. The petitioner is at liberty to workout his remedy before the learned Chief Judicial Magistrate, Tiruppur.



4. In view of the above, this Writ Petition is dismissed. The petitioner is at

liberty to work out his remedy before the learned Chief Judicial Magistrate,

Tiruppur.

17-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner of Police,
Commissioner Office, Avinashi Road,
Kumar Nagar, Tiruppur-641 603.

2. The Assistant Commissioner of
Police,
North Police Station, Tiruppur.

3. The Inspector of Police,
North Police Station, Tiruppur.

4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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