



W.P.(CrI).No.548 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(CrI).No.548 of 2025

M/s.Trail Enterprises,
Rep. by its Partner K.Prakash Rao .. Petitioner

Versus

1. The Deputy Commissioner of Police,
South, Coimbatore.
2. The Inspector of Police,
Sundarapuram Police Station,
Coimbatore.
3. The Chief Manager,
Canara Bank,
Asset Recovery Management Branch,
Gujarati Samaj Building,
661-1, Mettupalayam Road,
R.S.Puram, Coimbatore - 641 002.
4. M/s.Jayasurya Industries,
No.2/169A JP Garden, Sulur Taluk,
Peedamballi Post, Palladam,
Coimbatore - 641 016.
5. P.Jayakrishnan
6. J.Kousalya



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7. M/s.L.S.Industries,
24/210 F3, Pollachi Main Road,
Echanari Post,
Coimbatore - 641 021. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents 1 and 2 Police to grant assistance and protection in accordance with the order, dated 10.06.2024 in Crl.M.P.No.38529 of 2023 for taking physical possession of the properties of an extent of 4800 Sq.ft. in Site Nos.34 and 35 in S.F.No.622/1B2B, Kurichi Village, Coimbatore South Taluk, Coimbatore and the property of an extent of 2400 Sq.ft in Site No.36 in S.F.No.622/1B Kurichi Village, Coimbatore South Taluk, Coimbatore and an extent of 4830 Sq.ft in Site Nos.37 and 38 in S.F.No.622/1B2, Kurichi Village, Coimbatore South Taluk, Coimbatore.

For Petitioner : Mrs.AR.L.Gandhimathi
Senior Counsel,
for Mr.L.Palani Muthu

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side),
for RR-1 and 2

: No Appearance for R3

: Mr.Kinglsy Solomon,
for RR-4 to 7



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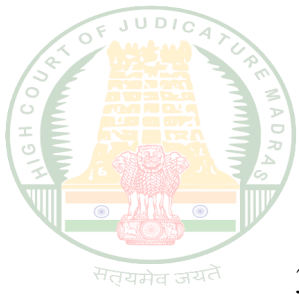


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ORDER

This Writ Petition is filed for a direction to the respondent Nos.1 and 2 Police to grant assistance and protection in accordance with the order, dated 10.06.2024 in CrI.M.P.No.38529 of 2023 for taking physical possession of the properties which is of an extent of 4800 Sq.ft., in site Nos.34 and 35; in S.F.No.622/1B2B, Kurichi village, Coimbatore South taluk, Coimbatore and the property of an extent of 2400 Sq.ft., in site No.36 in S.No.622/1B, Kurichi village, Coimbatore South taluk, Coimbatore and extent of 4830 Sq.ft, in site Nos.37 and 38 in S.F.No.622/1B2, Kurichi village, Coimbatore South taluk, Coimbatore.

2. The learned Senior Counsel for the petitioner would submit that due application was made under Section 14 of the SARFAESI Act and the Court passed orders. Therefore, when the Advocate Commissioner want to execute a warrant, the original borrowers/persons connected thereto are still objecting to the same.



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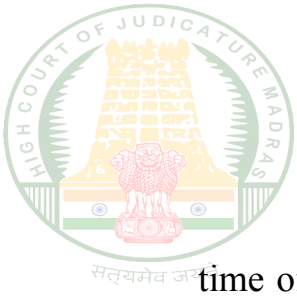
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3. The learned Government Advocate (CrI. Side) for the respondent Nos.1 and 2 Police would submit that protection will be given if the date is properly informed to them.

4. *Mr.Kingsly Solomon*, learned Counsel, taking notice for the respondent Nos.4 to 7, would request time for filing counter.

5. When the borrowers are defaulters and when the Court has passed an order taking possession under Section 14 of the SARFAESI Act, it would be open for the respondent Nos.4 to 7 to approach the appropriate Debt Recovery Tribunal or any other forum to challenge the said SARFAESI proceedings and get any interim order protecting their possession. In the absence of the same, they cannot merely object to the execution of warrant that is issued by the learned Magistrate, which has to be executed by the Advocate Commissioner with due assistance of the Police.

6. Therefore, keeping the liberty of the respondent Nos.4 to 7 open to approach any appropriate Tribunal/Court of Law with reference to their grievances, this petition has to be ordered. Needless to mention that at the



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time of taking over of possession, if the respondent Nos.4 to 7 furnish any Court order of stay, then, the same shall also be considered by the respondent Nos.1 and 2 Police. Otherwise, the respondent Nos.1 and 2 shall give protection for the Advocate Commissioner as well as the petitioner to take possession of the property. Let the parties fix a date and inform the respondent Nos.1 and 2 Police in writing within two days from the date of receipt of a web-copy of this order and on the date mentioned by the Advocate Commissioner/petitioner, the respondent Nos.1 and 2 Police shall grant protection to them.

7. Accordingly, this petition is disposed of. There shall be no order as to costs.

08.08.2025

Neutral Citation : no
grs

To

1. The Deputy Commissioner of Police,
South, Coimbatore.
2. The Inspector of Police,
Sundarapuram Police Station,
Coimbatore.



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3. The Chief Manager,
Canara Bank,
Asset Recovery Management Branch,
Gujarati Samaj Building,
661-1, Mettupalayam Road,
R.S.Puram, Coimbatore - 641 002.

4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

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