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W.P.CrI.No.832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.CrI.No.832 of 2025

Navaratan Balachand Bothra

... Petitioner

Versus

1.The Station House Officer,
B1 Police Station,
CP42+RHF, Upper Bazaar,
Ooty, Tamil Nadu – 643 001.

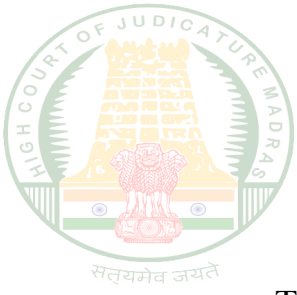
2.Nethra Subramani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 1st respondent herein to provide adequate police protection to put up a fence for the property situated at New T.S.No.H/2/75, H/2/78 and H/2/81 (Part) admeasuring an extent of 0.98 cents, Welbeck Road, Near Race Course, Udhagamandalam, Nilgiris, Ooty, Tamil Nadu – 643 001.

For Petitioner : Mr.Sunny Sheen Akkar

For Respondent-1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



ORDER

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The petitioner had filed this writ of mandamus seeking a direction to the first respondent herein to provide adequate police protection to put up a fence for the property situated at New T.S.No.H/2/75, H/2/78 and H/2/81 (Part) ad-measuring an extent of 0.98 cents, Welbeck Road, Near Race Course, Udthagamandalam, Nilgiris, Ooty.

2.The petitioner claimed that he is the absolute owner of the above said property. This property was under the control of State Bank of India, since the owner of the property defaulted in repayment of loan, despite several reminders to repay the debt. Accordingly, on 18.10.2023, a paper publication was published in the English and Tamil dailies by the State Bank of India, Coimbatore and the price was set at Rs.3,52,80,000/- for the entire extent of the property. The petitioner had purchased the said property in a public auction held by the State Bank of India, which was concluded on 14.12.2023. Thereafter, the petitioner remitted an amount of Rs.3,53,80,000/- The petitioner was issued with a sale certificate by bank authorities under the SARFAESI Act on 29.12.2023. This sale certificate filed with the Sub Registrar Office for the purpose of registration. The petitioner approached the Lower Court and filed an application under Section 14 of the SARFAESI



Act for taking possession of the property. The learned Chief Judicial Magistrate, Udhagamandalam, passed an order in Crl.M.P.No.1119 of 2023 dated 20.12.2023 appointing an Advocate Commissioner to inspect and take inventory and to take physical possession of the property and hand over the same to the petitioner and to take assistance of the police, if required. The Advocate Commissioner visited the property on 22.01.2024 and inventory taken on the same day between 2.45 to 3.45 p.m. Thus the petitioner was handed over physical possession of the property. Whenever the petitioner took steps to secure the property by fencing the same, the second respondent tried to create ruckus and disrupt the peaceful possession and enjoyment of the property. The second respondent tried several tactics to encroach the property. The second respondent claims that she has the right over the property and trespassing into the petitioner's property. Hence, for fencing and securing the property, the petitioner had sent a representation on 02.06.2025 to the first respondent. The first respondent received the same and failed to provide any police protection. Hence, the above petition is filed.

3. Mr.Leonard Arul Joseph Selvam, learned Additional Public Prosecutor takes notice for the first respondent and submits that the representation of the petitioner received. As per the orders passed by the



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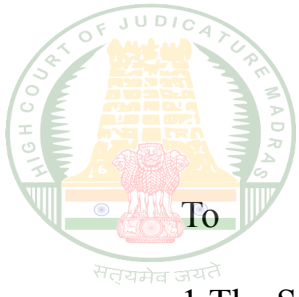
learned Chief Judicial Magistrate, Udhagamandalam under SARFAESI Act, the possession of the property handed over to the petitioner and the petitioner in possession of the property. In this regard, adequate police protection would be granted to fence or compound the property by the petitioner unless there is any Court orders against the petitioner.

4.In view of the above submission, the petitioner shall give a representation to the first respondent along with the copy of this order and thereafter within a week's time, the entire process of construction of fence or compound and securing the property to be completed. The 1st respondent to provide necessary Police protection.

5.With the above directions, the writ petition is disposed of.

22.09.2025

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
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2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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