



W.P.No.332 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.332 of 2025

M/s. Shriram Housing Finance Ltd.,
Represented by its Authorized Officer,
Selvin Singh,
No.5, Srinivasa Tower,
1st Floor, Teynampet,
Chennai – 600 018.

... Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
Vikravandi Police Station,
Villupuram District – 605 652.

2. The Superintendent of Police,
Master Plan Complex,
SP Office, Villuppuram – 605 602.

3. Anbumani
4. Inbasekaran

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1 & 2 respondents to execute the order passed by the learned Chief Judicial Magistrate, Villupuram in Vide Crl M.P.No.9578 of 2023 dated 07.11.2023.



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For Petitioner : Mr.V.Balasubramani
For Respondents : Mr.K.M.D.Muhilan
For R1 & R2 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)
For R3 : M.Priyanka

ORDER

This petition has been filed for direction directing the respondents 1 & 2 to execute the order passed by the learned Chief Judicial Magistrate, Villupuram in Crl.M.P.No.9578 of 2023 dated 07.11.2023, thereby appointing an Advocate Commissioner to take possession of property with the help of police aid.

2. The petitioner is a financial institution and they lent loan to the third respondent to the tune of Rs.40,98,847/- by mortgaging property by way of deposit of original title deed. Thereafter, the third respondent failed to repay the loan and his loan account was declared as non performing assets. Therefore, the petitioner had initiated proceedings under the SARFAESI Act and filed application under Section 14(1) & (2) of the SARFASI Act before the learned Chief Judicial Magistrate, Villupuram in Crl.M.P.No.9578 of 2023 to take physical possession of the subject property. By an order dated 07.11.2023, the learned Chief



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Judicial Magistrate, Villupuram, appointed an Advocate Commissioner

to take physical possession of the property and also provided police aid.

Accordingly, the first respondent provided police protection and the physical possession of the subject property has been handed over in favour of the petitioner. Thereafter, the third and fourth respondents trespassed into the part of the property and forcibly took possession of the property partially. When it was questioned by the petitioner, there was a quarrel between them and lodged complaint by both the parties. Both the complaints have been registered in Crime Nos. 51 & 52 of 2025 on the file of the first respondent and the same were pending for investigation. Now the petitioner sought for direction to execute the order dated 07.11.2023 passed by the learned Chief Judicial Magistrate, Villupuram, in CrI.M.P.No.9578 of 2023.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. As stated supra, the order dated 07.11.2023, passed by the learned Chief Judicial Magistrate, Villupuram, in CrI.M.P.No.9578 of 2023, has been complied with by the first respondent and vacant



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possession of the property has been handed over to the petitioner. After taking possession, the petitioner failed to protect the property and as such the property once again trespassed into the same. Further, both the parties lodged complaints and the same were pending.

5. Considering the fact and circumstances, the first respondent is directed to take appropriate action as against the third and fourth respondents and to restore the subject property in favour of the petitioner and to complete the investigation in both FIR in Crime Nos.51 & 52 of 2025 and file final report, within a period of two weeks from the date of receipt of a copy of this Order.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

13.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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1. Chief Judicial Magistrate,
Villupuram
2. The Inspector of Police,
Vikravandi Police Station,
Villupuram District – 605 652.
3. The Superintendent of Police,
Master Plan Complex,
SP Office, Villuppuram – 605 602.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

rts

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