



W.P.No. 23 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

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

W.P.No.23 of 2025

M/s.Clix Capital Services Pvt. Ltd
(Formerly known as GE Money Financial Services Pvt Ltd)
Registered office at
4th Floor, Kailash Building,
Kasturba Gandhi Marg, Connaught place,
New Delhi 110 001.
Represented by its Authorized Officer,
Mr.K.Atul Bansal.

... Petitioner

Vs.

- 1.The Inspector of Police
Denkanikottai Road, Prakash Nagar,
Dinnur, Hosur, Tamil Nadu 635 109.
- 2.Deputy Superintendent of Police,
Denkanikottai Road,
Hosur, 635 107.
- 3.Superintendent of Police,
Denkanikottai Road,
Hosur 635 107.
- 4.A New Born Educational Trust
308/1B Belur Gate, Bennangur Post,
Denkanikotta, Krishnagiri, Tamil Nadu 635 107.
Ph.No.8098137258.



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5.R.Varalakshmi

6.M.Seetharam

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents 1 to 3 to provide necessary police protection for taking physical possession of the property to the petitioner as per the order passed by the Chief Judicial Magistrate Court at Krishnagiri in Crl.M.P.No.3612 of 2023 dated 28.11.2023.

For Petitioner : Mr.V.Balasubramani

For R1 to R3 : Mr.A.Gopinath,
Government Advocate (crl.side).

For R4 to R6 : Mr.A.Kumar

ORDER

This writ petition has been filed seeking a direction to Respondents 1 to 3 to provide necessary police protection to the petitioner for taking physical possession of the mortgaged property, in accordance with the order passed by the Chief Judicial Magistrate Court at Krishnagiri in Crl.M.P. No. 3612 of 2023 dated 28.11.2023.



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2. The petitioner is a financial institution that had granted a loan to Respondents 4 to 6 herein. Subsequently, Respondents 4 to 6 failed to repay the loan and their account was declared a non-performing asset as on 30.04.2022. The petitioner, thereafter, initiated proceedings under the SARFAESI Act by issuing a demand notice and possession notice. However, the petitioner was unable to take physical possession of the mortgaged property without the intervention of the Court. Consequently, the petitioner filed an application in CrI.M.P. No. 3612 of 2023 under Section 14 of the SARFAESI Act, 2002, seeking the appointment of an Advocate Commissioner. The application was allowed by an order dated 28.11.2023 by appointing one K. Rajalakshmi as Advocate Commissioner to take physical possession of the mortgaged property. However, the Advocate Commissioner was obstructed by Respondents 4 to 6 with the assistance of certain political parties and as a result, the Advocate Commissioner could not take possession of the property. Hence, the present petition.

3. Heard both sides and perused the materials placed on record.



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4. Considering the facts and circumstances of the case, this Court directs the first respondent to provide adequate police protection to the Advocate Commissioner for taking physical possession of the property, as directed by the Chief Judicial Magistrate, Krishnagiri, in Crl.M.P. No. 3612 of 2023 dated 28.11.2023. The physical possession shall be taken within a period of four weeks from the date of receipt of a copy of this order. It is made clear that, in the interim, if any payment is made by Respondents 4 to 6 towards the arrears of the loan amount, the first respondent shall keep the matter in abeyance.

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

No costs.

11.03.2025

Speaking/non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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1. The Inspector of Police
Denkanikottai Road, Prakash Nagar,
Dinnur, Hosur, Tamil Nadu 635 109.
2. Deputy Superintendent of Police,
Denkanikottai Road,
Hosur, 635 107.
3. Superintendent of Police,
Denkanikottai Road,
Hosur 635 107.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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