



W.P.(MD)No.2681 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.2681 of 2025

Punjab National Bank,
Having its Head Office at
Plot No.4, Sctor 10, Dwarka,
New Delhi-110 075.
Rep. by its Chief Manager

... Petitioner

Vs

State of Tamilnadu,
Represented By
The Inspector of Police,
Airport Police Station,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to provide police protection to petitioner to remove the articles from the premises situated at Valan Nagar, Airport Tiruchirappalli bearing Door No.A23 and handover the possession to the Auction Purchaser.



W.P(MD)No.2681 of 2025

For Petitioner : Mr.Vast Law Associates,
For Respondent : Mr.E.Antony Sahaya Prabahar (R1)
Additional Public Prosecutor

ORDER

The Writ Petition has been filed to direct the respondent to provide police protection to the petitioner to remove the articles from the premises situated at Valan Nagar, Airport Tiruchirappalli bearing Door No.A23 and hand over the possession to the Auction Purchaser.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police. Perused the materials available on record.

3.It is the contention of the petitioner Bank that one Ponselvaraj had availed loan from the Bank by mortgage his property and since the borrower failed to repay the mortgage amount, SARFAESI proceedings has been initiated. Following the Rules, the house has been brought for auction and sold. The Bank had filed CrI.M.P.No.27682 of 2022 under section 14(1) of SARFAESI Act before the Chief Judicial Magistrate Court, Trichy. The learned Chief Judicial Magistrate, Trichy



W.P(MD)No.2681 of 2025

WEB COPY

by order, dated 19.12.2022 allowed the application of the petitioner and handed over the physical possession of the property to the petitioner. As per the order, the Advocate Commissioner is directed to take the physical possession of the property with the belongings of the borrower, which were kept and locked inside the premises and thereafter, handed over the possession to the Authorized Officer of the Bank.

4.In the meanwhile, Ponselvaraj had filed a petition before this Court in W.P(MD) No. 25317 of 2022 challenging the e-auction sale held on 14.10.2022. This Court, by order, dated 25.01.2023, dismissed the writ petition, thereby, confirming the e-auction sale.

5.In such circumstances, one Balan, S/o.Krishnan claims to be residing in the disputed property had filed a suit in OS No. 19 of 2023 before the 2nd Additional District Munsif Court sought for a relief that he should not be vacated without due process of law. The said suit was disposed of by rejecting the plaint on 28.04.2024. Then, the Bank had approached the Commissioner of Police, Trichy for giving police protection to the Bank to remove the articles, which were left in the



W.P(MD)No.2681 of 2025

WEB COPY

house. However, the police is not providing assistance. In the meanwhile, the purchaser of the property had approached this Court in WP(MD) No. 3483 of 2024 seeking direction to the Bank to hand over the vacant position. In view of the same, once again the petitioner has sent a complaint to the respondent on 21.10.2024, which is kept pending in CSR No. 136 of 2024 without any progress.

6.It is seen from the records that the petitioner Bank has attached the disputed property by following the SARFAESI Act and the same was sold in public auction, thereafter, now sale deed also executed. As per the direction of the Chief Judicial Magistrate, Trichy, possession has been handed over by the Advocate Commissioner. The property is now in possession of the petitioner. The only apprehension of the petitioner is that if the petitioner enters in the property without any assistance, a false claim can be made that there were valuables in the locked house. To avoid such apprehension, he made a request to the Commissioner of Police to give assistance to remove the articles from the said property. Though CSR has been assigned, no action has been taken.



W.P(MD)No.2681 of 2025

WEB COPY

7.In view of the same, the respondent police is directed to depute four police personnels along with the Bank officials, who can either open or break open the lock of the house, take possession of the materials available in the house and draw inventory, in the presence of two witnesses and the same will be kept in safe custody, thereafter, the vacant position of the property will be handed over to the auction purchaser as per the requirement of the Bank. The petitioner is directed to approach the respondent police on 05.02.2025. The entire exercise shall be completed within a period of three weeks, from the date of appearance of the petitioner.

8.With the above conditions, this writ petition stands disposed of.

30.01.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
PNM



W.P(MD)No.2681 of 2025

To
WEB COPY

1. The Inspector of Police,
Airport Police Station,
Tiruchirappalli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



W.P(MD)No.2681 of 2025

M. NIRMAL KUMAR, J

PNM

W.P.(MD)No.2681 of 2025

30.01.2025