

W.P.Crl.(MD)No.1227 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.Crl.(MD).No.1227 of 2025

ICICI Home Finance Company Ltd.,
Registered Office at ICICI Bank Towers,
Bandra Kurla Complex,
Mumbai - 400 051.
Branch Office, Lakshmi Vaults,
2nd Floor, 75-D, Salai Road,
Thillai Nagar, Trichy – 620 012.
Represented by its Authorised Officer,
B.Aravinth Pandiyan.

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.

3.Sathakkathullah.K

4.Mumtaj.K

5.Sheik Kabeer.K

...Respondents



W.P.Crl.(MD)No.1227 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to provide necessary police protection for taking possession of the property to the petitioner as per the letter dated 05.08.2025 with regards to the order dated 22.07.2025 passed in Crl.M.P.No.34 of 2025 by the Chief Judicial Magistrate, Pudukkottai, within the time stipulated by this Court.

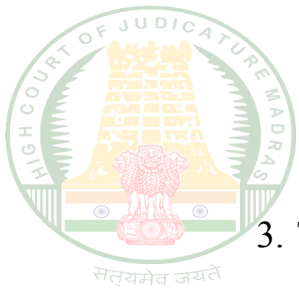
For Petitioner : Mr.D.Murugan

For R-1 & R-2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The Writ Petition has been filed seeking police protection for taking possession of the property pursuant to the order passed by the learned Chief Judicial Magistrate under Section 14 of SARFAESI Act in Crl.M.P.No.34 of 2025 dated 22.07.2025.

2. According to the learned counsel for the petitioner, the learned Magistrate had allowed the petition filed by the petitioner for taking possession of the property and had also appointed an Advocate Commissioner besides directing the Advocate Commissioner to seek police protection, if necessary.



W.P.Crl.(MD)No.1227 of 2025

3. The learned counsel for the petitioner would submit that though they had requested the second respondent to provide police protection in their letter dated 05.08.2025, the second respondent had not taken any action.

4. To a specific question put by this Court as to whether the borrower, namely, the respondents 3 to 5 had challenged the order of the learned Magistrate, the learned counsel for the petitioner would submit that they had challenged the said order and had obtained a conditional stay, which was not complied with, as a result of which, there is no interim stay of the order passed by the learned Magistrate.

5. From the order passed by the learned Chief Judicial Magistrate dated 22.07.2025, it is seen that the direction is given to the Advocate Commissioner to take possession and seek police protection, if necessary. In such circumstances, there is no need for the petitioner, who is the secured creditor, to independently approach the Police for police protection. As and when the Advocate Commissioner approaches the respondent Police, it is needless to say that the respondent Police shall verify whether the borrower has obtained any stay of the order passed by the learned Chief Judicial Magistrate and if there is no stay, they shall provide adequate police protection.



W.P.Crl.(MD)No.1227 of 2025

WEB COPY

6. With the above observations, this Writ Petition stands closed. There shall be no order as to costs.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 2.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.Crl.(MD)No.1227 of 2025

SUNDER MOHAN, J.

Lm

W.P.Crl.(MD).No.1227 of 2025

03.09.2025