



W.P.(CrI.)No.71 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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M/s. Karur Vysya Bank Limited,
Rep. by its Authorized Officer, P.S.Sundaravarathan,
Having Branch Office at 3rd Floor,
New No.2/1 & 2/2, Angadi Street,
Venkatesapuram Colony, Ayanavaram,
Chennai – 600 023.

...Petitioner

Vs.

1. The Commissioner of Police,
Commissioner of Police Office,
Ammamet, Salem District – 636 002.
2. The Inspector of Police,
Ammamet Police Station,
Salem District – 636 002.
3. The Village Administrative Officer,
Ammamet Village, Salem District – 637 301.
4. The Tahsildar,
Salem East, Ammapet Village,
Salem District.
5. M/s. Kingbell Fashion,
Rep. by Sole Proprietrix, S.Sangeetha,
No.254/182, Krishnanpudur,
Ammamet, Salem – 636 003.

6. SMR.Vinaykrishna @ M.R.Suresh

...Respondents



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Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to comply with the order passed by the learned Chief Judicial Magistrate at Salem in Crl.MP.No.14 of 2025 dated 19.03.2025, based on the representation of the Advocate Commissioner dated 23.07.2025 and 17.09.2025 and provide necessary police protection during the execution process of the petitioner bank at the time of taking physical possession of the property.

For Petitioner : Mr.A.Arunbabu

For Respondents : Mr.K.M.D.Muhilan, APP, for R1 & R2

ORDER

This writ petition (criminal) has been filed seeking to direct the 1st and 2nd respondents to comply with the order dated 19.03.2025 passed by the learned Chief Judicial Magistrate, Salem in Crl.MP.No.14 of 2025, based on the representations of the Advocate Commissioner dated 23.07.2025 and 17.09.2025 and to consequently, provide necessary police protection during the execution process of the petitioner bank at the time of taking physical possession of the property.

2. Mr.K.M.D.Muhilan, learned Additional Public Prosecutor, takes notice on behalf of the 1st and 2nd respondents. In view of the consent



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expressed by the learned counsel on either side, this writ petition (criminal) taken up for final disposal at the admission stage itself.

3. Since no order adverse to the interest of the respondents 3 to 6 is passed, notice to the said respondents is dispensed with.

4. Learned counsel for the petitioner submitted that the petitioner is a banking company registered under the Indian Companies Act, 1913. The 5th and 6th respondents herein approached the petitioner bank for OCC limit facility against the collateral/security of the properties owned by them and accepting the same, vide a sanction letter dated 13.03.2015, the petitioner bank disbursed a sum of Rs.2,00,00,000/- (Rupees Two Crores only) under Secured Loan Account No.11862223000001203 and the 5th and 6th respondents executed a Secured Loan Agreement, creating a security interest and mortgaging their properties in favour of the petitioner bank. While so, as the 5th and 6th respondents defaulted in repayment of the above said loan, their account was classified as a Non-Performing Asset (NPA) on 14.05.2019 and subsequently, the petitioner bank initiated proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (in short “the SARFAESI Act”) and the petitioner took symbolic possession of the property on 13.08.2019 and

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the possession notice was published in Dinamani and New Indian Express on 18.08.2019. Subsequently, the property was brought for public auction and the Property No.2 mentioned in the sale notice was purchased by one B.Kavin Kumar. Thereafter, the petitioner filed an application under Section 14 of the SARFAESI Act in Crl.MP.No.14 of 2025 before the learned Chief Judicial Magistrate, Salem, seeking assistance to take physical possession of the secured assets, viz., the mortgaged property and the same was allowed on 19.03.2025 and an Advocate Commissioner was also appointed to hand over the physical possession of the subject property to the petitioner. Despite the same, the 1st and 2nd respondents have failed to provide necessary police protection and assistance to the Advocate Commissioner and the petitioner for taking physical possession of the subject property. Therefore, the Advocate Commissioner sent notices (referred to as “representations” as well by the petitioner in the prayer and petition averments) dated 24.04.2025, 23.07.2025 and 22.09.2025 (referred to as “representation dated 17.09.2025 as well as 23.09.2025” by the petitioner in the prayer and petition averments) before the respondents 1 to 4, seeking assistance to execute the order of the learned Chief Judicial Magistrate, Salem in Crl.MP.No.14 of 2025 dated 19.03.2025. However, as the same evoked no response, the petitioner has come up with this petition.



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5. Per contra, the learned Additional Public Prosecutor appearing on behalf of the 1st and 2nd respondents submitted that, pursuant to the order of the learned Chief Judicial Magistrate, Salem in Crl.MP.No.14 of 2025 dated 19.03.2025, the learned Advocate Commissioner has approached the respondent police and he was directed to pay necessary charges / fees in accordance with G.O.Ms.No.139, Home (Pol-VIII) Department dated 04.03.2019. He further submitted that as soon as the said amount/charges is paid, necessary police protection will be accorded to the petitioner and the Advocate Commissioner for executing the order of the learned Chief Judicial Magistrate, Salem.

6. In view of the above submission made by the learned Additional Public Prosecutor, this Court, without going into the merits of the case, directs the petitioner to approach the 2nd respondent through the learned Advocate Commissioner for payment of necessary charges within a period of two weeks from the date of receipt of a copy of this order. Upon payment of such charges, the 2nd respondent shall accord necessary police protection and assistance to the petitioner bank and the Advocate Commissioner for taking physical possession of the subject property, in compliance with the order dated 19.03.2025 passed by the learned Chief Judicial Magistrate, Salem in Crl.MP.No.14 of 2025.



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7. With the above directions and observation, this writ petition (criminal) stands disposed of. No costs.

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skt

Neutral Citation: Yes/No

Note to office: Issue order copy on 20.01.2026.

To:

1. The Chief Judicial Magistrate,
Salem.
2. The Commissioner of Police,
Commissioner of Police Office,
Ammamet, Salem District – 636 002.
3. The Inspector of Police,
Ammamet Police Station,
Salem District – 636 002.
4. The Village Administrative Officer,
Ammamet Village, Salem District – 637 301.
5. The Tahsildar,
Salem East, Ammapet Village,
Salem District.
6. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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