



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

WP CrI. No. 693 of 2026

R.Vigneshbabu

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police
Tirupattur Deputy Superintendent Office,
Tirupattur.
2. State rep by its, The Inspector of Police,
Pallikonda Police Station,
Pallikonda - 635 809.
3. G.P.Dhamodharan
4. D.Sentamilsevan

..Respondent(s)

Prayer:- Writ Petition Criminal is filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus or direction or order in the nature of writ directing the respondents 1 and 2 to provide adequate police protection to the petitioner company to recover the possession of the secured asset compromised in Old Survey No.159/1, New Survey No.225/138 Gollamangalam Village, Ambur Taluk, Thirupathur district, Pallikonda Sub District, Vellore registration district, Vellore District and thereby considering representation dated 30.12.2025.

For Petitioner(s):

M/s.S.Kumaresan

For Respondent(s):

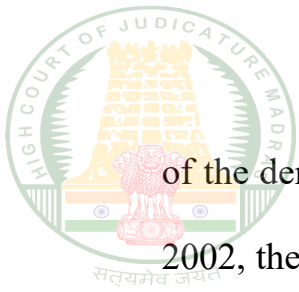
M/S. Leonard Arul Joseph Selvam

Additional Public Prosecutor

Assisted By M/s.Harshana.T For R1 To R3

ORDER

The petitioner, the Branch Manager of Can Fin Homes Limited initiated proceedings under SARFAESI Act against R3 and R4. Following the issuance



of the demand notices under Sections 13 (2) and 13 (4) of the SARFAESI Act, 2002, the petitioner took symbolic possession of the schedule secured assets. To obtain physical possession, a petition was filed under Section 14 before learned Chief Judicial Magistrate, Tirupattur, in CrI.M.P.No.10223 of 2025.

2.The learned Chief Judicial Magistrate, Tirupattur, appointed an Advocate Commissioner to take physical possession. However, when the Advocate Commissioner and the petitioner attempted to take physical possession of the property, R3 and R4 who were found to be illegally encroaching upon the property and also threatened them. Consequently, the petitioner lodged a complaint with the second respondent Police on 20.09.2025, followed by an online complaint on 22.09.2025. Consequently, the petitioner given a representation dated 30.12.2025 to the 1st respondent and no action has been taken to date. Hence, the present petition.

3.The learned Additional Public Prosecutor submitted that the petitioner's complaint has been received due to the on going election adequate Police force could not be diverted. He further stated that after general elections, the Police protection would be provided to the Advocate Commissioner to execute the orders of the learned Chief Judicial Magistrate within a period of two weeks after the conclusion of the general elections.



4. Heard the learned counsels on either side and perused the materials available on record.

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5. In view of the submissions made, this Court is of view that the orders passed by a Judicial Magistrate under Section 14 of the SARFAESI Act are mandatory in nature and must be enforced to uphold the rule of law. The administrative difficulties posed by the elections cannot be a reason for non-execution of judicial orders.

6. Accordingly, this Writ Petition Criminal is disposed of, with the following directions:-

i) The second respondent is directed to provide adequate police protection to the Advocate Commissioner appointed in CrI.M.P.No.10223 of 2025;

ii) The Police shall ensure that any illegal encroachers, including respondents 3 and 4 are removed from the property to facilitate the handing over of physical possession to the petitioner Company.

iii) This exercise shall be completed within a period of two weeks from the date of the conclusion of the general elections.

iv) No costs.

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M.NIRMAL KUMAR, J.

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To

1. The Deputy Superintendent of Police
Tirupattur
Deputy Superintendent Office,
Tirupattur.
2. The Inspector of Police,
Pallikonda Police Station,
Pallikonda - 635 809.
3. The Public Prosecutor
High Court of Madras.

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