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W.P. CrI. No.771 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P. CrI. No. 771 of 2026

The Authorized Officer,
Union Bank of India,
Asset Recovery Branch Section,
No.168, Lingi Chetty Street,
Parrys Corner, Chennai – 600 001.
Rep., by its Authorised Officer

... Petitioner

Vs.

- 1.The Deputy Commissioner of Police,
Avadi Range,
Avadi Commissionerate,
1st Floor, Old Municipality Building,
Near Avadi Market Bus Stop,
Nehru Bazaar, Avadi,
Chennai – 600 054.
- 2.The Assistant Commissioner of Police,
SRMC Range,
Avadi Commissionerate,
SRMC Range, Ambattur,
Chennai – 600 056.
- 3.The Inspector of Police,
T-15, Mangadu Police Station,
Sriram Nagar, Mangadu,
Chennai – 600 122.



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4.M/s. Jotham Ferro Alloys Private Limited,
Represented by its Director,
Harris Gabriel

5.Ramyaa Yuvanesan

... Respondents

Writ Petition is filed under Article 226 of Constitution of India, for issuance of a writ of mandamus, directing respondents 1 to 3 to forthwith render assistance to the Advocate Commissioner to enable him to take possession of the property sold by the Bank so that the same could be delivered to the auction purchaser.

For Petitioner : Ms. Ananda Gomathy Murugesan
For Respondents: Mr. Leonard Arul Joseph Selvam,
Additonal Public Prosecutor for R1 to R3

ORDER

This Writ Petition (Criminal) has been filed to direct respondents 1 to 3 to forthwith render assistance to the Advocate Commissioner to enable him to take possession of the property sold by the Bank, so that the same may be delivered to the auction purchaser.

2. The petitioner, Union Bank of India, through its Authorised Officer, Asset Recovery Branch, has filed the present writ petition.



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3. The contention of the petitioner is that respondents 4 and 5 had availed a term loan and cash credit facility and had also executed an equitable mortgage over the immovable property belonging to one Mathivanan of Mugalivakkam. The account was classified as NPA and thereafter SARFAESI proceedings were initiated. Symbolic possession of the property was taken on 31.01.2022 and a sale notice dated 28.10.2022 was issued, fixing the same on 18.11.2022.

3.1. The said sale notice was challenged in S.A.No.581 of 2022, but no stay was granted. In the meantime, the sale was completed. Thereafter, the sale was again challenged in S.A. No. 73 of 2024.

3.2. In the meanwhile, the petitioner obtained an order from the Chief Judicial Magistrate, Chengalpattu in C.M.P. No. 8259 of 2022, dated 22.09.2022, for the appointment of an Advocate Commissioner and for taking possession under Section 14(2) of the SARFAESI Act. Pursuant thereto, an Advocate Commissioner was appointed, who issued notice to respondents 1 to 3 seeking assistance and protection for taking possession of the property. However, the respondents failed to provide such protection and hence possession could not be taken.

3.3. In the meantime, the purchaser of the property filed W.P. No.



40394 of 2025. In the said writ petition, the petitioner herein and respondents 4 and 5 were arrayed as respondents. The First Bench directed that assistance be provided by the jurisdictional police to the Advocate Commissioner to take possession of the property. Pursuant thereto, notice was issued to respondents 1 to 3 by the Advocate Commissioner, however, no action has been taken.

3.4. Further the 4th respondent had also approached the Apex Court in S.L.P. No. 697 of 2026 and sensing that the SLP is likely to be dismissed, sought permission to withdraw the same. Thus, the sale and the symbolic possession taken by the Bank stand confirmed.

3.5. Since respondents 1 to 3 have not provided police protection to the Advocate Commissioner to take physical possession, the petitioner apprehends that contempt proceedings may be initiated against him.

4. The learned Additional Public Prosecutor submitted that the 3rd respondent is ready to provide adequate police protection and to ensure that the Advocate Commissioner and the petitioner take physical possession of the property along with all necessary documents. It is further submitted that if the petitioner approaches the 3rd respondent, police protection will be



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granted.

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5. The learned counsel for the petitioner submitted that the petitioner and the Advocate Commissioner are ready to approach the 3rd respondent along with the necessary documents on 27.04.2026. Upon receipt of such representation, along with a copy of this order, the 2nd respondent shall ensure that adequate police protection is deputed and the 3rd respondent shall ensure that possession is taken without any obstruction, unless there is any order of the Court to the contrary.

6. Recording the above, the Writ Petition (Criminal) is disposed of.

No costs.

09.04.2026

Neutral Citation: Yes/No
AT



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M.NIRMAL KUMAR, J.

AT

To

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- 4.The Public Prosecutor,
High Court of Madras.

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