



WEB COPY

WP CrI. No. 954 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

WP CrI. No. 954 of 2026

K.M.Sivakumar
S/o Marimuthu,
21A, Kallagoundan Palayam,
Aval Poondurai,
Erode.

..Petitioner(s)

Vs

1. The Superintendent of Police
Erode.
2. The Inspector of Police
Erode Town Police Station,
Erode.
3. Rajamani
Residing at,
Old No.6,
New No.9,
Thillai Nagar East,
Near IOB,
Erode.
4. Mohanasundaram
Residing at,
Old No.6,
New No.9,
Thillai Nagar East,
Near IOB,
Erode.



5. Sathish Kumar
Residing at,
Old No.6,
New No.9,
Thillai Nagar East,
Near IOB,
Erode.

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 police to provide adequate police protection to the petitioner and his family members to enable him to peacefully enjoy his property situated at Old D.Nos.87 to 92, new Nos24 and 24A, Venkatachalam Street, Old T S F No.168 Part, New TS No.3, New Ward No.C, Block No.20 Erode Town purchased through bank auction, without any interference, on the basis of the petitioners representation dated 11.04.2026.

For Petitioner(s): Mr.J.Ranjithkumar

For Respondent(s): Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This petition has been filed directing the respondents 1 and 2 police to provide adequate police protection to the petitioner and his family members to enable him to peacefully enjoy his property situated at Old D.Nos.87 to 92, new Nos24 and 24A, Venkatachalam Street, Old T S F No.168 Part, New TS No.3, New Ward No.C, Block No.20 Erode Town purchased through bank auction,



without any interference, on the basis of the petitioner's representation dated 11.04.2026.

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2.The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property situated at Old Door Nos.87 to 92, New Nos.24 & 24A, Venkatachalam Street, Erode Town, having purchased the same through a lawful bank auction conducted by the secured creditor, Indian Overseas Bank under the provisions of SARFAESI Act. Prior to the auction sale, the secured creditor had already taken physical possession of the property through due process of law by approaching the Chief Judicial Magistrate, Erode in CrI.M.P No.6265 of 2022 and possession was taken through an Advocate Commissioner on 23.09.2022. Subsequently, on 07.04.2026, the bank officials handed over the vacant and physical possession of the property to the petitioner and from that date onwards, the petitioner has been in lawful possession and enjoyment of the same. On 08.04.2026, the respondents 3 to 5, who are the erstwhile owner and his associates along with other persons under the guise of his advocates, who have no manner of right, title or interest over the property, unlawfully trespassed into the property and interfered with the repair and renovation works undertaken by the petitioner. Though the petitioner lodged a complaint before the 2nd respondent police on 09.04.2026 and the same was acknowledged in CSR No.66 of 2026, no effective action has been taken.



Thereafter, the petitioner made a representation to the 2nd respondent dated 11.04.2026 seeking police protection. However, the same was not considered till date. Hence the present writ petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that the petitioner has made a representation regarding compliance with the order passed by the Chief Judicial Magistrate in the SARFAESI proceedings and the same will be duly considered and take necessary action within a reasonable time to be fixed by this Court.

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

5.In view of the above, this Court directs the 2nd respondent to consider the petitioner's representation dated 11.04.2026, take necessary steps and dispose of the same as expeditious as possible, within a period of three weeks from the date of receipt of a copy of this order.



6. Accordingly, this Writ Petition (Criminal) stands disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma

To

1. The Superintendent of Police
Erode.
2. The Inspector of Police
Erode Town Police Station,
Erode.



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L.VICTORIA GOWRI, J.

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