



W.P.Crl.No.1084 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2026

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CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WP.Crl.No.1084 of 2026

Phoenix ARC Limited
(Formerly known as Phoenix ARC Pvt Ltd)
3rd Floor, Wallace Towers (earlier known as Shiv Building),
139/140/B/1, Crossing of Sahar Road and Western Express Highway,
Vile Parle East, Mumbai, Maharashtra-400057, India
Rep by its Authorised Signatory
Suresh Mangattu Variyam ... Petitioner

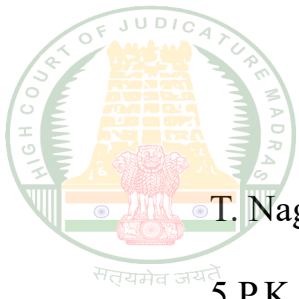
Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.

2.Joint Commissioner of Police,
Chennai South Zone,
Police Office Street, St.Binny Road,
Nizarathipuram, Gandhi Nagar,
St. Thomas Mount, Chennai-600 016.

3.Deputy Commissioner of Police,
Office of Deputy Commissioner of Police
R1 Mambalam Police Station,
No.1, Madley Road, T. Nagar,
Chennai-600 017.

4.Inspector of Police,
Station House Officer,
R1 Mambalam Police Station,
Masurai Veeran Kovil Street,
Police Quarters,



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T. Nagar, Chennai-600 017.

5.P.K.S. Prashanth

6.P.J.Ksairam

7.Sailakshmi

8.J.N. Ramji @ J.N. JahathRamjee

... Respondents

Prayer:

Writ Petition(Crl.) filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing respondents No.1 to 4 to give police assistance to the Advocate Commissioner appointed by the Learned Chief Metropolitan Magistrate in Crl MP No.172 of 2019 to take physical possession of the properties morefully described in the Schedule to this petition

For Petitioner : Mr.J.B.Abithabanu

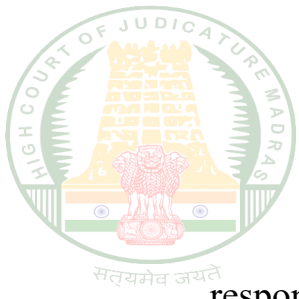
For Respondents

For R1 to 4 : Mr.R.Ganesh Kumar,
Counsel for Government of
Tamil Nadu (Criminal Side)

For R5 to 8 : Mr.B.Dinesh Kumar

ORDER

This writ petition has been filed praying to issue a direction to respondents 1 to 4 to provide adequate police protection to the advocate commissioner while taking physical possession of the subject property.



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2. The petitioner, who is a financier, lent loan in favour of

respondents 5 to 8 to the tune of Rs.28,56,00,000/- by the sanction letter dated 24.02.2015. Thereafter, respondents 5 to 8 committed default in repayment of loan and as such, the petitioner had taken action under SARFAESI Act. Subsequently, the property which was mortgaged by respondents 5 to 8 were attached by Debt Recovery Tribunal. Thereafter the petitioner also filed application under Section 14 of SARFAESI Act before Chief Judicial Magistrate, Chennai seeking appointment of advocate commissioner to take physical possession of the property which was attached by the Debt Recovery Tribunal for the purpose of sale by auction. The learned Chief Judicial Magistrate, Chennai appointed an advocate commissioner to take physical possession of the subject property. However, while the advocate commissioner went to take possession of the subject property, respondents 5 to 8 obstructed the advocate commissioner and as such, the advocate commissioner submitted several representations before respondents 1 to 4 seeking adequate police protection at the hands of respondents 5 to 8.

3. The learned counsel representing on behalf of the occupiers of the premises, submitted that without adding the occupiers as party, this writ petition is not maintainable. The occupiers must be heard before

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taking possession.

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4. However, now the said stage is crossed and the learned Chief Judicial Magistrate, Chennai appointed advocate commissioner in Crl.MP.No.172 of 2019 to take physical possession of the subject property. Therefore, the remedy of the occupiers is somewhere else and not before this Court. Further, respondents 5 to 8, who are borrowers, are obstructing the advocate commissioner while taking possession of the subject property. Therefore, the advocate commissioner submitted several complaints before respondents 1 to 4 seeking police protection while taking physical possession of the subject property. Further, the order passed by the learned Chief Judicial Magistrate, Chennai in Crl.MP.No.172 of 2019 is also under challenge before the Debt Recovery Tribunal. However, there is no interim order passed by the Debt Recovery Tribunal and as such, mere challenging the order passed by the learned Chief Judicial Magistrate, Chennai in Crl.MP.No.172 of 2019 is not an impediment for advocate commissioner to take physical possession of the subject property.

5. In view of the above, in respect of providing adequate protection to the advocate commissioner while taking physical possession



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of the subject property, the fourth respondent is directed to conduct enquiry on the complaint lodged by the advocate commissioner seeking police protection to take physical possession of the subject property, after issuance of notice to the petitioner, the borrowers i.e. respondents 5 to 8 and the occupiers of the building and giving them opportunity of personal hearing, and to pass appropriate orders within a period of four weeks from the date of receipt of this order.

6. With the above direction, this writ petition stands disposed of. There shall be no order as to costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

- 1.The Commissioner of Police,
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- 4.Inspector of Police,
Station House Officer,
R1 Mambalam Police Station,
Masurai Veeran Kovil Street,
Police Quarters,
T. Nagar, Chennai-600 017.
- 5.The Public Prosecutor,
High Court of Madras

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