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W.P.Crl.No.834 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2026

CORAM:

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

WP.Crl.No.834 of 2025

M.M.M.Thiagaraj

... Petitioner

Vs.

1.The Commissioner of Police,  
Avadi Commissionerate, Avadi - 600 054.

2.The Inspector of Police,  
M-5, Redhills Police Station,  
Chennai - 600 052.

3.P.Leelavati

4.K.Parthiban Rasu

... Respondents

**Prayer:**

Writ Petition(Crl.) filed under Article 226 of Constitution of India praying to issue a WRIT OF MANDAMUS directing the 1st and 2nd Respondents/police to provide adequate police protection to the petitioner, petitioners men, and workers, to carry out cleaning, safeguarding, and construction works in the Petitioner's subject property, from the interference with petitioner's peaceful possession by the 3rd and 4th Respondents

For Petitioner : Mr.V.Raghavachari,  
Senior Counsel  
for Mr.D.Murugan



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For Respondents

For R1 & 2 : Mr.R.Ganesh Kumar,  
Counsel for Government  
of Tamil Nadu (Criminal Side)

For R3 & 4 : Mr.R.Muniyapparaj  
for Mr.S.Sathish Kumar

### **ORDER**

This writ petition has been filed for direction to the first and second respondents to provide adequate police protection to the petitioner to carry out cleaning, safeguarding and construction works in the property which was purchased by the petitioner through auction sale.

2. The third and fourth respondents had borrowed loan from State Bank of India by mortgaging the subject property as security. Thereafter, they committed default and as such, the banker proceeded with the SARFAESI Act proceedings and the property was brought for sale. The said property was purchased in the auction by the petitioner. The petitioner was issued sale certificate and it is under challenge under Section 17 of SARFAESI Act on the file of the Debt Recovery Tribunal -II, Chennai in SA.no.14 of 2024. While pending second appeal, the petitioner filed affidavit thereby undertaking not to alienate the property



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which was purchased through auction sale. Now the petitioner has submitted representation seeking police protection to the petitioner while putting up any compound wall in and around the property which was purchased by the petitioner. When the appeal is pending challenging the very sale certificate before the Debt Recovery Tribunal-II, Chennai in SA.No.14 of 2024 and when the petitioner also filed undertaking affidavit not to alienate the subject property, the petitioner ought to have approached the Tribunal to get permission to put up any construction in the subject property.

3. The learned counsel for third and fourth respondents submitted that the Hon'ble Division Bench of this Court gave liberty to the petitioner to challenge the sale certificate dated 18.07.2023 under Section 17 of SARFAESI Act. Accordingly, the sale certificate was challenged before Debt Recovery Tribunal-II, Chennai in SA.No.14 of 2024, in which the petitioner filed undertaking affidavit not to alienate the subject property. Therefore, construction cannot be put up without permission of the Tribunal.

4. In view of the above, the petitioner is at liberty to approach the Debt Recovery Tribunal-II, Chennai seeking permission to put up any

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construction in the subject property. If the petitioner is granted any permission to put up a construction, the second respondent is directed to provide adequate police protection to the petitioner to comply with the orders to be passed by the Debt Recovery Tribunal-II, Chennai.

5. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

11.06.2026

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



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To

1.The Commissioner of Police,  
Avadi Commissionerate, Avadi - 600 054.

2.The Inspector of Police,  
M-5, Redhills Police Station,  
Chennai - 600 052.

3.The Public Prosecutor,  
High Court of Madras



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**G.K.ILANTHIRAIYAN, J.**

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