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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP Crl. No. 2835 of 2026

CNR: {HCMA012445172026}

State Bank of India
SIDCO Branch,
Rep.by its Authorised Officer,
Shri.Padmanaban R,
No.5A, North Phase,
SIDCO Industrial Estate,
Ambattur, Chennai – 600 098.

..Petitioner

Vs

1. The Commissioner of Police
   Office of the Commissioner of Police,
   Avadi, Chennai – 600 054.

2. The Inspector of Police
   T2, Police Station,
   Ambattur, Chennai – 600 053.

3. Mr.V.Saravanabhavan
   Partner, M/s.Slar Machines and Methods,
   No.122/2, SIDCO Industrial Estate,
   Ambattur, Chennai-600 098.

4. Mr.G.Sivaraman
   Proprietor, M/s.Star Metal Finishers,
   No.122/2, SIDCO Industrial Estate,
   Ambattur, Chennai-600 098.

(R3 and R4 are suomotu impleaded as per the order of this Court dated 27.10.2026 in WP.Crl.No.2835 of 2026)

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the Respondent Police to provide police protection to the petitioner and its official, based on the

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complaint dated 18.09.2026 pending on the file of the Inspector of Police, T2, Ambattur Police Station, and for the removal of movable items lying in the secured asset situated at Plot No.122/1, Railway Station Road, SIDCO Industrial Estate, Ambattur, Chennai - 600 098, and for delivery of vacant possession to the auction purchaser.

For Petitioner: Mr.Arfat Mohammed

For Respondents: Mr.Arun Anbumani,
Additional Public Prosecutor
for R1 and R2
Mr.Ali Hassan Khan for R3
Mr.R.Elango for R4

ORDER

The petitioner is a financial institution. The third respondent had availed business loans from the writ petitioner. He defaulted in payments. Therefore, the bank initiated proceedings invoking SARFAESI Act. Symbolic possession was taken and the property was brought for sale and it was also sold in favour of one M/s.Sri.Amman Enterprises. The petitioner wanted to take actual possession of the property. Therefore, it moved the learned Chief Judicial Magistrate, Thiruvallur invoking Section 14 of the SARFAESI Act. The learned Chief Judicial Magistrate passed an order in Crl.M.P. No.3613 of 2025 on 07.01.2026, appointing an Advocate Commissioner to take possession of the property. The learned Judge also empowered the Advocate Commissioner to break open the premises and if necessary, to take assistance from the police in this regard.

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2. When the petitioner attempted to take possession, it came to know that the fourth respondent is in possession of the property. Hence, the entire possession of the property could not be taken. In the meantime, as the physical possession had not been handed over to the auction purchaser, he issued a notice on 31.08.2026 to the bank, calling upon the bank to enforce the order obtained under the SARFAESI Act. Hence, the present writ petition at the instance of the secured creditor, for a mandamus to afford police protection to implement the order passed by the learned Chief Judicial Magistrate, Thiruvallur.

3. When the writ petition was initially filed, the debtor and the tenant had not been made as parties. Hence, they were impleaded by this Court and notice was ordered to them. Mr.Ali Hassan Khan has entered appearance for the third respondent. Mr.R.Elango has entered appearance for the fourth respondent.

4. It is the plea of Mr.Ali Hassan Khan that proceedings are pending between the third respondent and the bank before the Debts Recovery Tribunal at Chennai in S.A.No.209 of 2022. He further adds that despite the orders passed by this Court in W.P.No.20801 of 2026 to dispose of the proceedings within the specified time period, the Debts Recovery Tribunal has till date not disposed of the proceedings. Mr.Ali Hassan Khan

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seeks deferment of orders to be passed by this Court till the securitisation appeal is disposed of. According to him, on the date on which the SARFAESI Act had been invoked by the bank, there was no debt. He also states that there was an order of injunction granted by this Court. He states that initially the Debts Recovery Tribunal had granted an interim order restraining the bank from proceeding further but fairly states that the order was subsequently vacated.

5. Insofar as the tenant is concerned, Mr.R.Elango states that the tenant had been put in possession of the property by the third respondent. According to him, the fourth respondent was running an industry and had placed several machineries therein. On account of the symbolic possession being taken, he has not been in a position to run the industry nor remove the machineries kept therein.

6. I have carefully considered the submissions on all sides. I have gone through the records.

7. The following facts are not in dispute:

7.1 The petitioner is the secured creditor, the third respondent is the debtor and the fourth respondent claims through the third respondent. There is no registered tenancy between the third and fourth respondents as

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required under Section 107 of the Transfer of Property Act;

7.2 The bank had invoked SARFAESI Act, taken symbolic possession, brought the property for sale and sold the property to a third party;

7.3 The auction purchaser is calling upon the bank to perform its duty, take possession and handover the same to him. The bank, in performance of its duty, has obtained an order before the learned Chief Judicial Magistrate, Thiruvallur but is unable to put the order into force.

8. Let me first take the plea of Mr.Ali Hassan Khan to get the writ petition dismissed. According to him, as the SARFAESI application is pending, the bank should not take possession of the property. Mere pendency of the securitisation appeal cannot stand in the way of the bank to take possession. If Mr.Ali Hassan Khan's client was were aggrieved by the order under Section 14, his remedy is to file a separate appeal against that order. This Court is merely pointing out the proceedings to show that as on date, there is no impediment for the bank to take possession. Whether there was an existence of debt or not is for the Debts Recovery Tribunal to decide and not by this Court to decide in a writ petition under Article 226 of the Constitution of India. That issue is left open for the third respondent to agitate before the jurisdictional Tribunal in the pending

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appeal.

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9. Insofar as the failure of the Debts Recovery Tribunal to comply with the order passed by the Division bench of this Court is concerned, it is for the third respondent to take appropriate steps, as he may be so advised. He cannot take a shelter under that order and seek to defeat the interests of the bank.

10. Coming to Mr.R.Elango's arguments that the tenant has not challenged the order passed under Section 14, as he claims under the third respondent, he is also bound by the said order. It is Mr.R.Elango's argument that the fourth respondent has moved an application under Section 156(3) of Cr.P.C. for the alleged loss of the materials that had been kept in the premises. It is for him to workout his remedies with respect to the loss of materials independently. Insofar as possession is concerned, as he is bound by the order of the learned Chief Judicial Magistrate, Thiruvallur, the bank is entitled to dispossess him from the property. When this aspect was pointed out, Mr.R.Elango filed an undertaking affidavit dated 30.10.2026, which is scanned and extracted hereunder:

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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.M.P.No. of 2026
in
W. P. Crl No. 2835 of 2026

M/s **STAR METAL FINISHERS**
Prop. Mr. **SIVARAMAN (TENANT / OCCUPANT)** S/o. **Gopal**
Plot No. 122, Railway Station Road,
SIDCO Industrial Estate, Ambattur, Chennai – 600098 .. Petitioner/ 4th Respondent

-Vs-

1. State Bank of India, SIDCO Branch,
Rep.by its Authorized Officer,
Mr. R. Padmanaban, Age 44 years,
No.5A, North Phase, Sidco Industrial Estate, Ambattur,
Chennai – 600098. ...Respondent/ Petitioner

2. The Commissioner of police,
Office of the Commissioner of police, Avadi, Chennai- 600 054.

3. The Inspector of Police, T2- Police Station,
Ambattur Chennai- 600 053. ... Respondents/ 1 & 2 Respondents

4. M/s. Slar Machines & Methods, a Partnership Firm,
rep. by its Partner – V.Saravanabhavan, No.122/2, SIDCO Industrial Estate,
Ambattur, Chennai - 600098. Respondent/ 3rd Respondent

UNDERTAKING AFFIDAVIT FILED BY
THE PETITIONER / 4th RESPONDENT

I,. **SIVARAMAN (TENANT / OCCUPANT)** Son of. Gopal aged about 50 Years **Proprietor of M/s STAR METAL FINISHERS having company at Plot No. 122, Railway Station Road, SIDCO Industrial Estate,** Ambattur, Chennai – 600098 and Residing at No. 40A, Madhavi Street, Karukku, Ambattur, Chennai – 600053 do hereby solemnly affirm and sincerely state as follows:

1. I humbly submit that I am the Petitioner herein and thereby acquainted with the facts and circumstances of the case.

For STAR METAL FINISHERS

Proprietor

Page | 1

No. of Cross: nil

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2. I am the Petitioner and 4th Respondent in the above-mentioned Writ Petition and the lawful tenant occupying the subject premises situated at **at Plot No. 122, Railway Station Road, SIDCO Industrial Estate,** Ambattur, Chennai – 600098 . I am fully conversant with the facts of the case and competent to swear to this Affidavit.

3. I submit that the subject premises was secured/locked by the Petitioner Bank under the provisions of the SARFAESI Act, 2002, on account of defaults committed by the 3rd Respondent (Borrower/Landlord).

4. I submit that my valuable personal goods, articles, and belongings remained locked inside the subject premises. While attempting to retrieve and remove my material assets from the locked premises, I discovered to my shock that several valuable items belonging to me had been stolen/tampered with during the period of physical possession by the Respondent/ Petitioner Bank.

5. I submit that in respect of the theft of my articles, I have filed a criminal petition as **Crl. M.P. No. 1107 of 2026** on the file of the Hon'ble Judicial Magistrate Court, Ambattur seeking directions for an inquiry by the Inspector of Police, T2 Police Station, and subsequent registration of a First Information Report (FIR) under the relevant provisions of the law.

6. I submit that pursuant to the orders passed by this Hon'ble High Court in the present Writ Petition, granting time up to **30.11.2026** to vacate and hand over vacant possession of the subject premises, I hereby give my solemn **UNDERTAKING** to this Hon'ble Court as under:

For STAR METAL FINISHERS

Proprietor

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- **a.** I unequivocally undertake that I shall voluntarily vacate, clear, take out all my belongings, My Installations, setup exclusively with my Investment what so ever in the premise and deliver vacant possession of the subject premises as it has been handed over to me during inception as tenant to the Petitioner Bank / Authorized Officer on or before **30.11.2026**.
- **b.** I undertake that I shall not seek any further extension of time beyond **30.11.2026** to vacate the subject premises.
- **c.** I undertake that I shall not create any third-party rights, sub-lease, or encumbrances over the subject premises during this period.

7. I respectfully pray that this Hon'ble Court may be pleased to order that the compliance with this undertaking and the vacating of the premises shall be strictly **without prejudice** to my rights and remedies in **Crl. M.P. No. 1107 of 2026** pending before the Hon'ble Magistrate Court for police investigation/inquiry by the Inspector of Police, T2 Police Station, into the stolen goods/valuable items and subsequently register FIR.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to accept my undertaking as to comply the Order passed in the above Writ Petition and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For STAR METAL FINISHERS

Proprietor

Solemnly affirmed at Chennai on this the 30 th day of October, 2026 and signed his name in my presence.

Before me

Before me: K. M. MURALIDHARAN

Advocate: Chennai

Enrl. No. MS. 3468/1987.

Page | 3

No. of Crons: nil

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11. The undertaking given in paragraph No.6 of the undertaking affidavit dated 30.10.2026 is recorded. This writ petition is disposed of in the following terms:

11.1 The fourth respondent shall handover possession to the writ petitioner bank on or before 30.11.2026;

11.2 In the event the possession is not handed over, there shall be a direction to the second respondent/Inspector of Police to afford police protection to Ms.D.Vanaja, Advocate Commissioner appointed by the learned Chief Judicial Magistrate, Thiruvallur, to take physical possession of the property;

11.3 It is for the third respondent to work out his rights before the jurisdictional Debts Recovery Tribunal.

30.10.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

1.The Commissioner of Police
Office of the Commissioner of Police,
Avadi, Chennai – 600 054.

2.The Inspector of Police
T2, Police Station,
Ambattur, Chennai – 600 053.

3.The Public Prosecutor,
High Court, Madras.

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V.LAKSHMINARAYANAN, J.

mmi

WP Crl. No. 2835 of 2026

30.10.2026

https://www.mhc.tn.gov.in/judis