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W.P.No.9418 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.9418 of 2026
and W.M.P.No.10136 of 2026

Authum Investment and Infrastructure
Limited
Earlier known as
(Reliance Commercial Finance Limited)
Rep. by its Authorized Officer
Karutharasan V
Having its registered office at
7th Floor, B-Wing, Trade World,
Kamala Mills Compound, S. B. Marg,
Lower Parel, Mumbai 400 013
Having Branch office at
Ampa Manar, No 107/2 3rd Floor,
Nelson Manickan Road, Aminjikai,
Chennai 600 029.

Petitioner

Vs

1. Orange Square
Orange Square
No.105, 1st Floor,
Dr. Radha Krishnan Salai,
Mylapore, Near Old Nilgiris Building
Chennai, Tamilnadu 600 004



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Also at
No.A2/16th Main Road
Mogappair ERI Scheme,
Mogappair, Chennai 600 037

Also at
BS HIG TNHB Colony Anjugam Nagar,
Kolathur, Backside of Ganga Sweets
Chennai 600 099

Also at
AG3, Journalist Colony,
Srinivasapuram, Thiruvanmiyur,
Chennai 600 041.

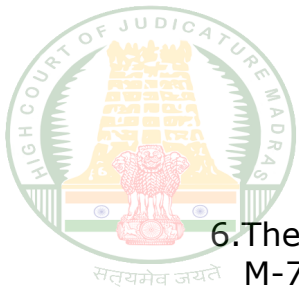
2.Arun Babu D
Partner-Orange Square,
BS HIG TNHB Colony, Anjugam Nagar,
Kolathur Backside of Ganga Sweets,
Chennai 600 099

Also at
A-1802 Newry Park Towers,
Saravana Stores, Anna Nagar,
West Extension, Thiruvallur 600 101.

3.Vasisth M S, Partner
Orange Square
AG3, Journalist Colony,
Srinivasapuram, Thiruvanmiyur,
Chennai 600 041.

4.Umarani K.N. Partner
Orange Square,
No A2/16th Main Road,
Mogappair ERI Scheme, Mogappair,
Chennai 600 037.

5.T.S Perumal
S/o.Subburaya Gounder,
No.12/39, Madha Koil Street,
Royapuram, Chennai 600 013.



6. The Inspector of Police
M-7, Manali New Town Police Station,
Manali, Tiruvallur District.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the sixth respondent to restore possession of the secured asset to the petitioner pursuant to the order dated 08.11.2024 passed by the Chief Judicial Magistrate, Tiruvallur in CrI.M.P.No.10585 of 2024 under Section 14 of the SARFAESI Act and consequently provide adequate police protection to safeguard the secured asset from illegal interference by respondents 1 to 5.

For Petitioner: Mr.G.Sankaran
Senior Counsel
for Mr.K.Mariappan

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on admission.

2. This writ petition under Article 226 of the Constitution of India seeks a direction to the sixth respondent to restore possession of the secured asset to the petitioner pursuant to the order dated 8.11.2024 passed by the Chief Judicial Magistrate, Tiruvallur in CrI.M.P.No.10585

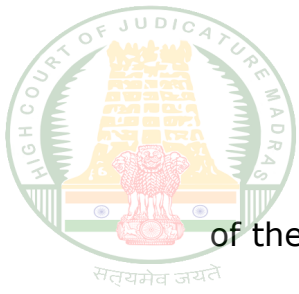


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of 2024 and consequently provide adequate police protection to safeguard the secured asset from illegal interference by respondents 1 to 5.

3.1. Learned Senior Counsel for the petitioner submitted that the petitioner had obtained order under Section 14 of the SARFAESI Act and pursuant thereto, the Advocate Commissioner had executed the warrant on 9.1.2025 and took physical possession of the secured asset by following due process of law with the assistance of the police and revenue officials and the premises was secured by lock and seal and possession was handed over to the petitioner and that the secured asset remained in the lawful custody of the petitioner.

3.2. Learned Senior Counsel further submitted that challenging the order passed under Section 14 of the SARFAESI Act, the first respondent had filed S.A.No.19 of 2025 before the DRT-III, Chennai and the same is pending adjudication. When the petitioner visited the secured asset, it was found that the borrowers along with certain unidentified persons had illegally trespassed into the secured asset by breaking open the lock. Immediately, the petitioner lodged a police complaint on 28.1.2026 before the sixth respondent. Despite receipt



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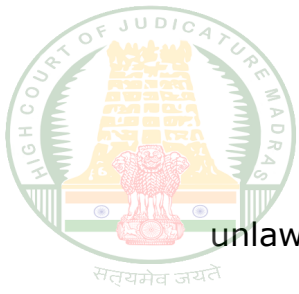
of the said complaint, no effective action has been taken till date.

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3.3. Learned Senior Counsel would submit that claiming rights under the unregistered sale agreements dated 4.8.2022 and 9.5.2024, the fifth respondent had filed impleading application before the DRT-III, Chennai and the said petition is also still pending. He also submitted that the fifth respondent had filed W.P.Crl.No.545 of 2026 to direct the respondents therein not to interfere or disturb his peaceful possession and enjoyment of the property situated at Vellivoyal Village, Ponneri Taluk comprised in S.Nos.77/2, 101/1, 101/2, 101/3, 102, 102/2 and 102/3 admeasuring a total extent of 8.13 cents out of 10.60 acres and consequently not to proceed any coercive steps including taking possession of the property. On 12.3.2026, a learned Single Judge granted an interim order against the official respondents not to take any coercive action against the fifth respondent and directed the said writ petition to be listed along with the present writ petition.

3.4. It is the contention of learned Senior Counsel that taking advantage of the inaction on the part of the police authorities, the fifth respondent had illegally entered into the secured asset and is

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unlawfully occupying and using the same. On 9.1.2026, again, the petitioner had lodged a complaint before the sixth respondent seeking action against respondents 1 to 5 for illegal trespass and restoration of possession. However, no action has been taken by the sixth respondent till date. Hence, the petitioner has filed the present writ petition.

4. We have considered the submissions made by learned Senior Counsel for the petitioner and also perused the materials available on record.

5. It is the admitted case of the petitioner that though the secured asset has been handed over to the petitioner by the Advocate Commissioner pursuant to the order passed by the learned Chief Judicial Magistrate and locked and sealed, the borrowers and other unidentified persons had thereafter illegally trespassed into the secured asset by breaking open the lock. It is the case of the petitioner that challenging the order passed under Section 14 of the SARFAESI Act the first respondent had filed S.A.No.19 of 2025 before the DRT-III, Chennai, wherein the petitioner had filed counter and the same is pending consideration. It is also the say of the petitioner that



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the fifth respondent herein had filed application to implead him as party and the said application is pending before the DRT-III, Chennai. The fifth respondent had also filed a suit, being O.S.No.115 of 2026, before the District Munsif Court, Ponneri seeking permanent injunction against the petitioner and the same is also pending.

6. The main grievance of the petitioner is that despite request of the petitioner, the sixth respondent has failed to provide police assistance for restoration and protection of the secured asset.

7. Though the act of the borrower and the other persons of re-entering the secured asset in question after the petitioner had taken possession is in complete defiance of the order passed by the Chief Judicial Magistrate under Section 14 of the SARFAESI Act, since S.A.No.19 of 2025 challenging the order passed by the Chief Judicial Magistrate is pending before the DRT-III, Chennai and the petitioner had also filed counter in it, it is for the petitioner to work out its remedy in the pending SA. When proceedings are already pending before the DRT as well as before the civil court, this Court cannot issue a positive direction to the sixth respondent to provide police assistance for restoration and protection, as prayed for. There is no merit in the



writ petition.

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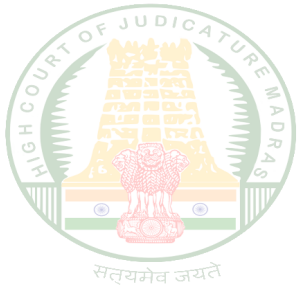
Accordingly, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim application is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
22.06.2026

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

The Inspector of Police
M-7, Manali New Town Police Station,
Manali, Tiruvallur District.



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Case Citation: (2026) ibclaw.in 3455 HC



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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