

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 864 of 2025

K.Hari Prasad
S/o Ramanaiah,
No.15/7, Kaveri Street,
Rajaji Nagar, Villivakkam,
Chennai - 600049.

..Petitioner(s)

Vs

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
St.Thomas mount, Chennai.
2. The Assistant Commissioner of Police
Office of the Assistant Commissioner of Police,
St.Thomas Mount, Chennai.
3. The state Represented by, The Inspector of
Police
S-1, St.Thomas Mount Police Station,
Chennai.
4. Indian Overseas Bank,
Rep by its Authorized Officer,
The Chief Manager,
Asset Recovery Management Branch,
Chennai.
5. P.M.A.Saleema(deceased)
Wife of (late) P M Abdul Kadhar,
No.61-64-A, MKN Road, Guindy,
Chennai-600032.

(R5 is impleaded as per the order of this court
dated 14.10.2025 in WP.MP.CrI.No.516 of
2025 in WP.CrI.No.864 of 2025)

6. Barakath Nisha

..Respondent(s)



D/o.Late Mr.P.M.Abdul Khader,
Residing at No.59,
MKN Road,
Guindy,
Chennai-600 032.

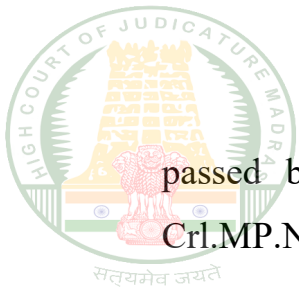
7. Abubakkar Sidiq
S/o.Late.Mr.P.M.Abdul Khader,
Residing at No.59,
MKN Road,
Guindy,
Chennai-600 032.

8. A.Abdul Gani
S/o.Late.Mr.P.M.Abdul Khader,
Residing at No.59, MKN Road,
Guindy,
Chennai-600 032.

9. A.Musthafa Kamal
S/o.Late.Mr.P.M.Abdul Khader,
Residing at No.59,
MKN Road,
Guindy,
Chennai-600 032.

10. A.Kathija
D/o.Late.Mr.P.M.Abdul Khader,
Residing at No.59, MKN Road,
Guindy,
Chennai-600 032.
(R6 to R10 is impleaded as per the order of this
court dated 08.06.2026 in WP.CrI.No.144 of
2025 in WP.CrI.No.864 of 2025)

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the Inspector of Police, S-1, ST.Thomas Mount Police Station, The Respondent No.3, herein to provide necessary Police protection to the Advocate Commissioner for the purpose of taking Physical Possession of the Secured Asset, in Compliance with the order



passed by the Chief Judicial Magistrate, Chengalpattu on 22.02.2024 in CrI.MP.No.8601/2023 filed under section 14 of the Sarfaesi Act.

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For Petitioner(s): Mr.V.Vigneshwar

For Respondent(s): Mr.R. Ganesh Kumar, counsel for Government of Tamil Nadu For R1 To R3
M.L.Ganesh For R4
R5-died (steps taken)
Mr.M.Velmurugan for Mr.P.Thiyagarajan for R6 to R10.

ORDER

This petition has been filed seeking a direction directing the 3rd respondent to provide adequate police protection to the Advocate Commissioner for the purpose of taking physical possession of the property in compliance of the order passed by the Chief Judicial Magistrate, Chengalpattu in CrI.M.P.No.8601 of 2023 dated 22.02.2024. The respondents 6 to 10 and the deceased husband of the 5th respondent borrowed loan from the 4th respondent to the tune of Rs.7,07,00,000/- and Rs.6,23,00,000/- on 16.06.2010 by mortgaging their property. Thereafter, the borrower failed to repay the said loan for which the said properties was taken symbolic possession by the Bank and thereafter sales notice was issued. The said property was put to Bank auction and the petitioner herein has purchased the subject property for a valid sale consideration. Subsequently, the said auction sale was challenged by the 5th respondent and thereafter it was withdrawn. However an application was filed by the fifth respondent before the Debt Recovery Tribunal, Chennai challenging the auction sale.



2. Thereafter, the 4th respondent filed an application in CrI.M.P.No.17598 of 2022 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002(herein after called as Act) to take physical possession of the subject property which is purchased by the petitioner herein and the same was allowed on 02.08.2022. However, the Advocate Commissioner could not able to take physical possession as the said order was challenged by the deceased borrower in SA.No. 661 of 2022 before the Debt recovery Tribunal, Chennai and the same was dismissed on 30.04.2024. Even then the Advocate commissioner could not take possession of the subject property, since the Chief Judicial Magistrate. Egmore has no jurisdiction to pass orders as such. Hence, the 4th respondent filed another application in CrI.M.P.No.8601 of 2023 under the said Act before the Chief Judicial Magistrate Chengalpet and the same was allowed on 22.02.2024. Once again the deceased/borrower challenged the subsequent order passed in CrI.M.P.No.8601 of 2023 before the Debt Recovery Tribunal-3 in S.A.No. 358 of 2024 and it is pending without any interim order. Hence, this petition.

3. The learned counsel for the petitioner submits that inspite of the order passed by the learned Judge to appoint an Advocate commissioner on 22.02.2024 the same was not implemented till date. He further submitted that there is no stay against the said order. That apart the petitions filed by the

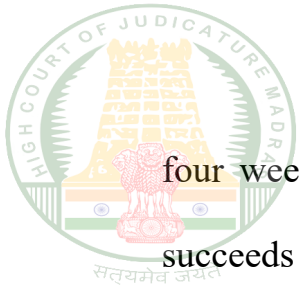


guarantor challenging the sale notice were withdrawn and the proceedings under Section 14 of the SARFAESI Act was dismissed by the Tribunal. Hence there is no legal impediment to implement the order dated 22.02.2024.

4. The learned counsel for the respondents 6 to 10 submits that though the Debt Recovery Tribunal -3, Chennai doesn't granted any interim order, the challenge is made as against the order passed under the said Act for various reasons. The Banker and the purchaser committed scam over the property and he has valid grounds to succeed in S.A.No. 358 of 2024.

5. The learned counsel for the 4th respondent Bank submits that the borrower did not even make any deposit while challenging the order passed under the Act. That apart the petitioner had purchased the subject property in the year 2021 and even till today he could not take physical possession of the subject property one way or other the borrower is dragging the proceedings. Admittedly, now the order passed under the Act is challenged in S.A.No.358 of 2024 and it is pending adjudication on the file of the Debt Recovery Tribunal -3, Chennai for the past two years.

6. Now the S.A.No.358 of 2024 is posted on 03.08.2026. Therefore, the Debt Recovery Tribunal-3 is directed to advance the hearing by issuing notice to the parties concerned and dispose the S.A.No.358 of 2024 within a period of



four weeks from the date of receipt of a copy of this order. If the borrower succeeds in S.A.No.358 of 2024, the third respondent need not provide police protection as per the order passed by the Chief Judicial Magistrate, Chengalpattu in CrI.M.P.No.8601 of 2023. If the borrower does not succeeds the second respondent is directed to issue direction to the third respondent to provide police protection to the Advocate Commissioner to take physical possession of the subject property which is purchased by the petitioner.

7. With the above observations this petition is disposed of. No costs.

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Index: Yes/No

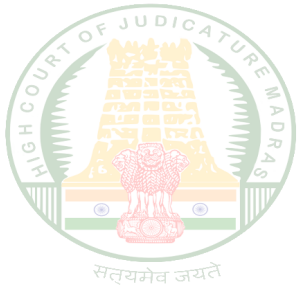
Speaking/Non-speaking order

Neutral Citation: Yes/No

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To.

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
St.Thomas mount, Chennai.
2. The Assistant Commissioner of Police
Office of the Assistant Commissioner of Police,
St.Thomas Mount, Chennai.
3. The state Represented by, The Inspector of Police
S-1, St.Thomas Mount Police Station, Chennai.
4. Indian Overseas Bank,
The Chief Manager,
Asset Recovery Management Branch, Chennai.
5. The Debt Recovery Tribunal-3, Chennai.



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Case Citation: (2026) [ibclaw.in](https://www.ibclaw.in) 4133 HC

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G.K.ILANTHIRAIYAN, J.

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WP CrI. No. 864 of 2025

**08-06-2026
(2/2)**