

W.P.Crl.(MD)No.1673 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2026

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

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V.Manikandan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by, the Superintendent of Police,
Pudukkottai District - 622001.
2. The Deputy Superintendent Of Police,
Keeranur, Pudukkottai District - 622502.
3. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District - 622502.
4. The Sub-Inspector of Police,
Udayalipatti Police Station,
Pudukkottai District - 622502.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, by directing the Respondents to consider the representation sent by the petitioner dated 08.12.2025.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.S.Ravi

Additional Public Prosecutor



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ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the representation sent by the petitioner dated 08.12.2025.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the Area Receivable Manager (Housing Loan Division) of Cholamandalam Investment and Finance Company Limited, having its branch at Stenthamarai Indian Gas Agency, Marthandapuram, Pudukkottai. One K. Sundararasu, S/o M. Karuppaiah, availed a housing loan of Rs. 20,00,000/- under the housing loan scheme and had constructed a residential house. The loan was to be repaid in 180 monthly installments. However, the borrower failed to repay the loan in accordance with the agreement and mortgage terms. Pursuant to this default, SARFAESI proceedings were initiated, and physical possession of the property was taken in accordance with law, as per the order of the learned Chief Judicial Magistrate, Pudukkottai, in Crl.M.P.No.1400 of 2021 dated 15.02.2022 under Section 14 of the SARFAESI Act, 2002. Despite this, the borrower managed to re-enter the property that had been attached and taken



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into possession. In this regard, the petitioner sent a representation to the

respondents. Since no action has been taken on the said representation, the present writ petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the said exercise of re-entering into the attached house has happened as early as in the year 2022, for which a criminal case in Crime No.183 of 2022 was also registered by the 4th respondent police. He also pointed out that it is not clear as to what had transpired in the interregnum period of these four years, without which a final decision cannot be taken.

4. Heard the learned counsel on either sides and carefully perused the materials available on record.

5. It is seen that already an FIR has already been registered by the 4th respondent in this matter. It is the duty of the police officers to ensure that once possession is taken in execution of the order of the Chief Judicial Magistrate, Pudukkottai, under Section 14 of the SARFAESI Act, 2002, such possession is protected, and any trespass is dealt with firmly and in accordance with law.



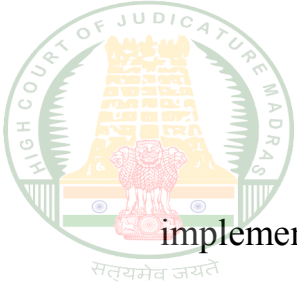
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6. However, in view of the submission made by the learned Additional Public Prosecutor that it is not clear as to whether the borrower had obtained any order in his favour in the interregnum period, this Court is of the considered view that the 4th respondent police shall put the borrower on notice and conclude the enquiry within a period of two weeks from the date of receipt of copy of this order.

7. During enquiry, if it is found that the borrower has not obtained any further order permitting his re-entry into the attached property, then it is for the 4th respondent to take necessary action as against the borrower and facilitate the petitioner to take the re-possession of the property from the debtors, who had trespassed. The bank officials are directed to cooperate with the respondent police in fixing a date for taking possession and the police officials are also directed to cooperate with the bank officials to avoid any undue delay in this regard.

8. It is made clear that the bank officials will pay necessary charges for the said exercise in terms of GO.Ms.No.139, Home (Pol-VIII) Department, dated 04.03.2019. Further, it is clarified that these directions are to be



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implemented, only if the borrower does not have any other order or authority

supporting his possession of the subject property. Accordingly, this writ

petition stands disposed of.

26.03.2026

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 01.04.2026.

TO:-

1. The Superintendent of Police,
Pudukkottai District - 622001.
2. The Deputy Superintendent Of Police,
Keeranur, Pudukkottai District - 622502.
3. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District - 622502.
4. The Sub-Inspector of Police,
Udayalipatti Police Station,
Pudukkottai District - 622502.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
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Dated
26.03.2026