

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.30808 of 2014

State Bank of Mauritius Limited
Prince Arcade, IV Floor
No.22-A
Cathedral Road
Chennai 600 086

represented by its Authorised Officer

Petitioner

Vs.

1 The District Collector/District Magistrate
Kancheepuram District
Kancheepuram

2 G. Ramakrishna Reddy alias G.R.K. Reddy

3 Wisdoms Constructions (P) Ltd.
Marg Axis
No.4/318, Rajiv Gandhi Salai
Kottivakkam, Chennai 600 041

Respondents

RR2 & 3 impleaded as per order
dated 4.12.2014 in M.P.No.1/2014.

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass appropriate orders in the petitioner's application dated 08.09.2014 submitted under Section 14 of the SARFAESI Act, which was received by the first respondent on 10.09.2014, rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured asset, viz., Villa Plots bearing Nos.93,94,95,96,97,98,99 & 100 (previous nos.73,74,75,76,77,78,79 and 80 - before that 63,64,10,9,8,7, 6 and 5 respectively) Thiruvathoor Village, Kancheepuram District, comprised in Survey No.35/2B of Thiruvathoor Village.

For petitioner

Mr. E. Omprakash for
M/s.Ramalingam & Associates

For R1

Mr. N. Sakthivel
Government Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The grievance of the petitioner is that the petitioner had filed a petition under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") on 08.09.2014, seeking assistance of the first respondent for taking over possession of the secured asset in furtherance of exercise under Section 13(4) of the SARFAESI Act. However, the first respondent has not taken any step so far, when the object of the said provisions is to extend assistance to secure possession of the secured asset, at the earliest.

2. The learned Government Advocate appearing for the first respondent submits that a direction to that effect may be issued to the first respondent.

3. Accordingly, we direct the first respondent to take up the matter and decide the same in accordance with law and on its own merits, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition stands disposed of accordingly. No costs.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

cad

To

The District Collector/District Magistrate
Kancheepuram District
Kancheepuram

2 ccs to M/s. Ramalingasm & Associates, Advocate, sr. 10365
1 cc to Government Pleader, Sr. 10352

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GJ (CO)
kk 5/3