

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 10640 of 2015

Asset Reconstruction Company India Ltd.,
rep. By its Vice President and
Authorised Officer Mr.M.V.Suresh,
Having office at The Ruby, 10th floor,
No.29 Senapathi Bapat Marg,
Dadar(W), Mumbai 400 028. Petitioner

vs.

1. The District Magistrate and
District Collector,
District Collectorate,
Ram Nagar, Coimbatore 641018.
2. The Tahsildar-Coimbatore North,
Taluk Office, Coimbatore (North),
Coimbatore 641 018. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 2nd respondent to implement the order dated 23.06.2014 passed by the first respondent under Section 14 of the SARFAESI Act within such time as may be prescribed by this Court.

For petitioner : Mr. V.V.Sivakumar
For respondents : Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

The only relief sought in this writ petition is a direction to the second respondent to comply with the order passed by the District Collector in exercise of his power under Section 14 (1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act").

2 Pursuant to the notice dated 13.04.2015 of this Court, the second respondent had filed an affidavit indicating that he ought to have implemented the order dated 23.06.2014 of the District Collector, Coimbatore District, however, in view of the occupation of the said premises by the tenants, no action could be taken within the requisite time.

3 The second respondent was appointed as an implementing agency to comply with the order of the first respondent. It is not for the Tahsildar to verify as to whether people are in lawful possession of the property or not. It is only for the District Collector to consider the same, if an application is made on behalf of the occupants of the property.

4 Thus, without expressing any opinion on the merits of the case, we direct the second respondent/ the Tahsildar, Taluk Office, Coimbatore (North), Coimbatore to implement the order dated 23.06.2014 passed by the District Collector, Coimbatore, as early as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

5 In the result, this writ petition is allowed. No costs.

ra

s/d-
Deputy Registrar(J)

True Copy

To

Sub-Assistant Registrar

1 The District Magistrate and
District Collector,
District Collectorate,
Ram Nagar, Coimbatore 641018.

2. The Tahsildar-Coimbatore North,
Taluk Office, Coimbatore (North),
Coimbatore 641 018.

+ 1 cc to Mr.V.V.Sivakumar, Advocate SR 26915

+ 1 cc to the Govt.Pleader SR 27060

ts(co)
prk15/6

W.P. No.10640 of 2015