

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No. 13505 of 2015

The Authorised Officer
State Bank of Hyderabad
No.37-B, Whites Road
Chennai 600 014

Petitioner

Vs.

1 The District Collector
Vellore District
Vellore 632 009

2 The Revenue Divisional Officer
Collectorate Building
Sathuvacheri
Vellore 632 009

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass orders on the petitioner's application dated 20.09.2013 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by appointing a liaison officer for the purpose of taking possession of the secured assets.

For petitioner Mr. V. Raghavachari
for M/s. S. Pandurangan

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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 20.09.2013, 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 provision is to extend assistance to secure possession of the secured asset, at the earliest.

2. The learned Special Government Pleader appearing for the respondents 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 their own merits as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order. The first respondent is also directed to verify as to whether there is any tenancy or lease in respect of the secured asset and if it is so, the same has to be considered in the light of the judgment of the Supreme Court in Harshad Govardhan Sondagar vs. International Assets Reconstruction Company Ltd. and Others¹.

4. The writ petition stands disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

1 The District Collector
Vellore District
Vellore 632 009

2 The Revenue Divisional Officer
Collectorate Building
Sathuvacheri
Vellore 632 009.

1 cc to M/s.S.Mohan, Advocate, SR.No.24169
1 cc to Government Pleader, Sr.No25732

W.P. No. 13505 of 2015

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¹ (2014) 6 SCC 1