

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. Nos.13762 to 13765 of 2015

Sundaram BNP Paribas Home Finance Ltd.
Represented by its Authorised Officer
N. Udayakumar
46 Whites Road
SF Towers - I Floor
Royapettah
Chennai 600 014

Petitioner in all the WPs

Vs.

The District Magistrate/
District Collector
Office of the District Collector
Dharmapuri 636 705

Respondent in WP No.13762 of 2015

The District Magistrate/
District Collector
Vellore District
Vellore

Respondent in WP No.13763 of 2015

The District Magistrate/
District Collector
Office of the District Collector
Krishnagiri 635 001

Respondent in WP No.13764 & 13765/2015

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to consider and pass orders on the petitioner's petitions dated 30.06.2014, 15.07.2014, 29.09.2014 and 15.07.2014 respectively filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

For petitioner in
all the WPs

Mr. J. Ravindran

For respondent in
all the WPs

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

COMMON ORDER

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

The grievance of the petitioner is that the petitioner had filed petitions 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 30.06.2014, 15.07.2014, 29.09.2014 and 15.07.2014 respectively, seeking assistance of the concerned respondent for taking over possession of the secured asset in furtherance of exercise under Section 13(4) of the SARFAESI Act. However, the concerned 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 concerned respondent.

3. Accordingly, we direct the concerned respondent to take up the matters 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 concerned District Magistrate/District Collector 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 petitions stand disposed of with the above directions. No costs.

Sd/- सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

1 (2014) 6 SCC 1

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To

1 The District Magistrate/District Collector
Office of the District Collector
Dharmapuri 636 705

2 The District Magistrate/District Collector
Vellore District
Vellore

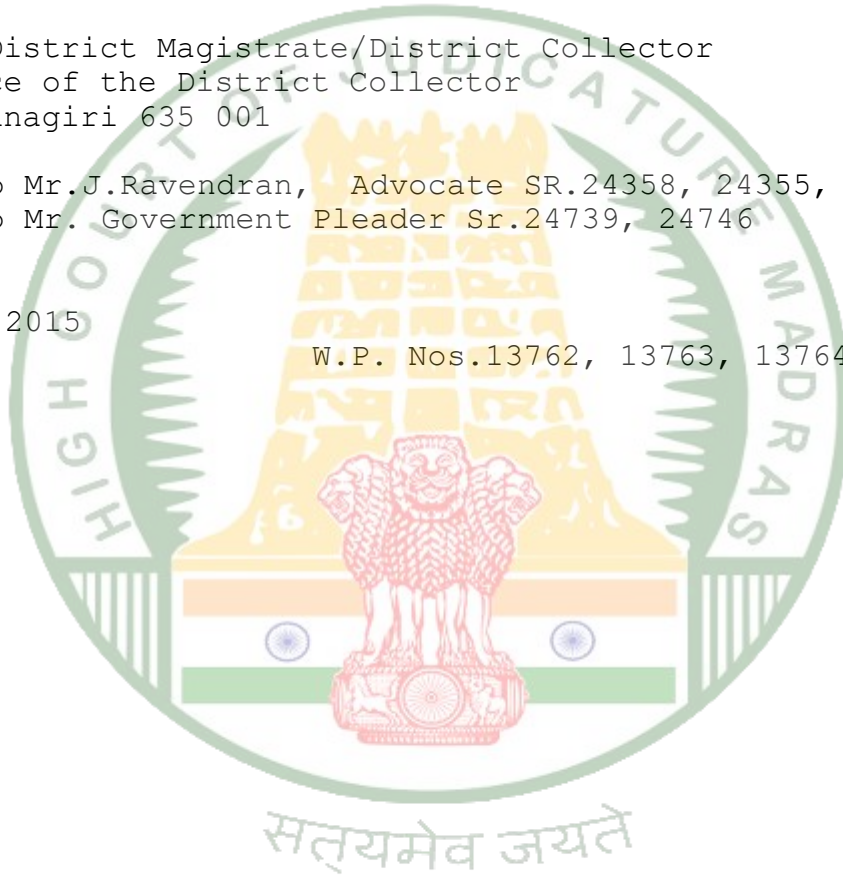
3 The District Magistrate/District Collector
Office of the District Collector
Krishnagiri 635 001

+ 4 ccs to Mr.J.Ravendran, Advocate SR.24358, 24355, 25356 &24351
+ 2 ccs to Mr. Government Pleader Sr.24739, 24746

CNR (CO)

EU 22.05.2015

W.P. Nos.13762, 13763, 13764 & 13765 of 2015



30.04.2015

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