

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2015

CORAM:

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

W.P. No.16865 of 2015
and
M.P. No.1 of 2015

M/s.Axis Bank Ltd.
(formerly known as UTI Bank Ltd.)
represented by its Asst. Vice President/Authorised Signatory
M. Gopikrishnan
Centennial Square, II Floor
No.6-A, Dr. Ambedkar Road
Kodambakkam, Chennai 600 024

... Petitioner

vs.

1. The District Collector
Office of Collectorate
Cuddalore, Tamil Nadu
2. Jayabarathy
3. Sundaresan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass appropriate orders on the petition filed on 15.11.2013 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, against respondents 2 and 3, followed by representation dated 02.03.2015 to the first respondent having received the same on 04.03.2015.

For petitioner : M/s. M.R. Uma Vijayan

For R1 : Mr. P.S. Sivashanmugusundaram
Special Government Pleader

ORDER

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

The grievance of the petitioner is that the petitioner had filed a petition on 15.11.2013 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") 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 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. 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 Others.

4. The writ petition stands disposed of with the above directions. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

cad

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To

The District Collector,
Office of Collectorate,
Cuddalore, Tamil Nadu.

+1cc to M/s.M.R.Uma Vijayan, Advocate, S.R.No.29030
+1cc to the Government Pleader, S.R.No.29110

W.P. No.16865 of 2015

GR(CO)
CA(25/06/2015)



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