

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2015

CORAM:

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

W.P. Nos.17104 and 17105 of 2015

Punjab National Bank
Asset Recovery Management Branch
having office at Khivraj Buildings, III Floor
No.624, Anna Salai
Chennai 600 006
represented by its Chief Manager ...Petitioner in both the WPs.

Vs.

- 1 The District Collector
Kanchipuram District
Kanchipuram
- 2 The Tahsildar
Sriperumbudur Taluk
Kanchipuram District ...Respondents in W.P. No.17104 of 2015

The District Collector
Tanjore District
Tanjore ...Respondent in W.P. No.17105 of 2015

Prayer in W.P. No.17104 of 2015:

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 application dated 18.11.2013 filed under Section 14 of the SARFAESI Act by the petitioner bank relating to the file No.Na.Ka. 37879/2013/M3 dated 12.01.2015, within a timeframe.

Prayer in W.P. No.17105 of 2015:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass

orders on the application dated 04.02.2014 filed under Section 14 of the SARFAESI Act by the petitioner bank relating to the file No.Na.Ka. 9561/2014/E1 dated 19.09.2014, within a timeframe.

For petitioner in
both the WPs : Mr. M.L. Ganesh

For respondent in : Mr. P.S. Sivashanmugasundaram
both the WPs 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 18.11.2013 and 04.02.2014 relating to files in Na.Ka. 37879/2013/M3 dated 12.01.2015 and Na.Ka. 9561/2014/E1 dated 19.09.2014 respectively, seeking assistance of the concerned respondents for taking over possession of the secured asset in furtherance of exercise under Section 13(4) of the SARFAESI Act. However, the concerned respondents have 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 respondents.

3. Accordingly, we direct the concerned respondents 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 respondents are 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.

¹ (2014) 6 SCC 1

4. The writ petitions stand disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1 The District Collector
Kanchipuram District
Kanchipuram

2 The Tahsildar
Sriperumbudur Taluk
Kanchipuram District

3 The District Collector
Tanjore District
Tanjore

2 CCs to Mr. M.L. Ganesh, Advocate SR.No. 29719

2 CCs to the Government Pleader, SR.No. 29774 & 29775

W.P. Nos.17104 and 17105 of 2015

SVI (CO)
PSI (24.06.2015)

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