

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.06.2015
CORAM:
THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.17217 of 2015
and
M.P.Nos.1 and 2 of 2015

R.C.Somasundaram

..Petitioner

Vs.

- 1.The District Magistrate and
the District Collector,
Salem District,
Salem.
- 2.The Authorised Officer of Indian Bank,
Thevur Branch,
T.G.N. Complex, West Car Street,
Thiruchengode,
Namakkal District.
- 3.S.Mani
- 4.P.Senthilkumar

.. Respondents

The Writ Petition is filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to the impugned order of the first respondent in K.Dis.No.7083/2015/C5, dated 24.04.2015 and quash the same.

For petitioner : Mr.G.Balamanikandan
for Mr.R.Sendhil Kumar

For Respondents: Mr.P.S.Sivashanmugasundaram, Spl.G.P.

For R-1
- - -

ORDER

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

The petitioner, claiming exemption from the purview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") on the ground that the land in question is an agricultural land, has come up with this writ petition, questioning the legality of the order dated 24.04.2015 passed by the District Magistrate and District Collector, Salem in exercise of power under Section 14 of the SARFAESI Act.

2 On perusal of the pleadings, the locus of the petitioner is not clear, except that the property in question, i.e., secured asset, is an agricultural land, and as such the same is exempted from the purview of the SARFAESI Act.

3 Be that as it may, on the basis of vague, incomplete averments in the petition, we are not in a position to take a decision as to the locus standi of the petitioner and also the nature of the secured asset. Even otherwise, it is categorically held by this court in M/s.Deccan Chronical Holdings Limited Vs. Canara Bank [W.P.No.13451 of 2015] by order dated 12.06.2015 that an appeal is maintainable against the order passed under Section 14 of the SARFAESI Act. Thus, at this stage, without expressing any opinion, we dismiss the writ petition, reserving liberty to the petitioner to take recourse to appropriate forum, as advised under the provisions of law. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The District Magistrate and
the District Collector,
Salem District,
Salem.
- 2.The Authorised Officer of Indian Bank,
Thevur Branch,
T.G.N. Complex, West Car Street,
Thiruchengode,
Namakkal District.

+1 cc to Mr.R.Senthilkumar, Advocate, SR.30284

+1 cc to Government Pleader, SR.29776.

Scd(co)
krd 24/6

W.P. Nos.17217 of 2015