

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2015

CORAM:

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

W.P. No.18414 of 2015

Punjab National Bank,
Recovery Department,
Circle Office, Nos.46 to 49,
Royapettah High Road,
Chennai 600 104,
rep. By its Chief Manager/
Authorised Officer.

Petitioner

Vs.

The District Collector
Vellore District, Vellore.
Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to pass orders on an application filed on 19.03.2014 under Section 14 of the SARFAESI Act by the petitioner Bank relating to the file No.RC.C1/6071/2014, dated 08.04.2014 within a time frame.

For petitioner Mr. M.L. Ganesh

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

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed seeking a direction to the respondent to pass orders on an application filed on 19.03.2014 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") by the petitioner Bank relating to file No.RC.C1/6071/2014, dated 08.04.2014 within a time frame.

3. The grievance of the petitioner is that the petitioner had filed petition under the provisions of Section 14 of on 19.03.2014, seeking assistance of the respondent for taking over possession of the secured asset in furtherance of exercise under Section 13(4) of the SARFAESI Act. However, the 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.

4. The learned Special Government Pleader appearing for the respondent submits that a direction to that effect may be issued to the respondent.

5. Accordingly, we direct the 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 three months 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.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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TO

1 The District Collector
Vellore District, Vellore.

MG (CO)

EU(08/07/2015)

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