

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.24294 of 2015

IDBI Bank Ltd.
represented by its
Deputy General Manager
Shri Mukul Kumar
Head Office at IDBI Tower
WTC Complex, Cuffe Parade
Mumbai 400 005
and
Zonal Office at IDBI Tower
Plot No.C - 7, "G" Block
Opp NSE, Next to SBI
BKC, Bandra East
Mumbai 400 051

Petitioner

vs.

- 1 The District Collector
O/o the District Collector
Bangalore Road, Krishnagiri District
- 2 Saketh India Ltd.
11/12, Plot No.2, Phase II
Sector II, Nerul
New Mumbai 400 706
also at
No.113, I Main Road
Seshadripuram, Bangalore 560 020
- 3 R.L. Sharma
S/o Sri Devkinandan
Director
M/s. Saketh India Ltd.
No.69, Saketh, Meerut, U.P.
- 4 S.L. Sharma
S/o Sri Devkinandan
Director
M/s. Saketh India Ltd.
No.69, Saketh, Meerut, U.P.

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass suitable orders in the petitioner application dated 30.10.2013 filed under Section 14(1) of the SARFAESI Act, pending on his file within a time-frame as may be fixed by this Court.

For petitioner Ms. S. Bharathi
For R1 Mrs. A. Srijayanthi
Special Government Pleader

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2 The grievance of the petitioner is that the petitioner had filed a petition on 30th October 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 to take 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.

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

4 Accordingly, without expressing any opinion on the merits of the case, 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 eight 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 Others¹.

1 (2014) 6 SCC 1

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

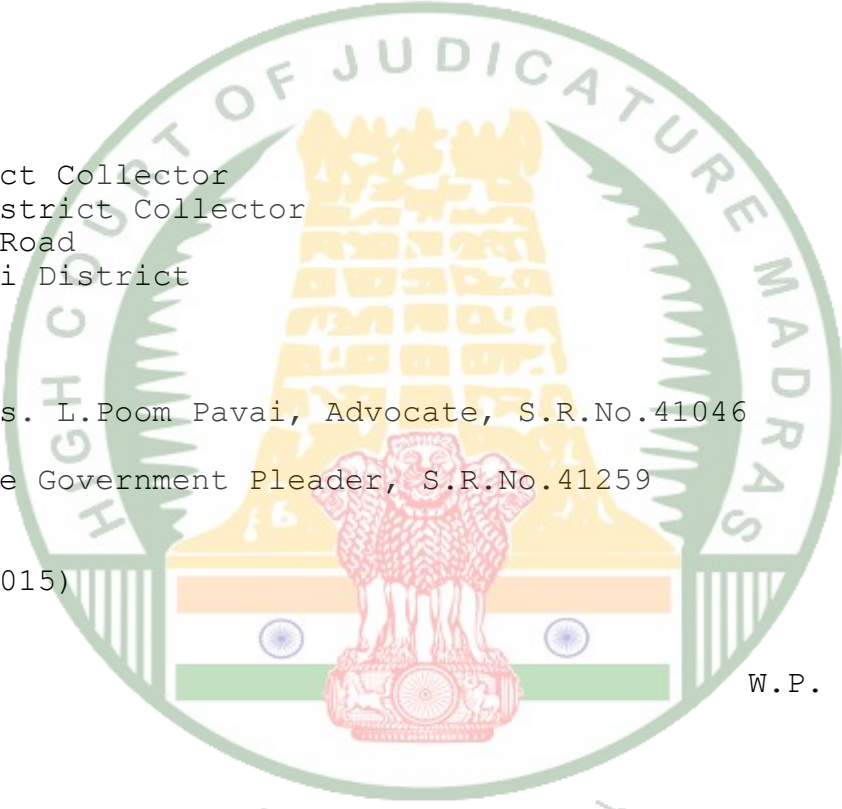
The District Collector
O/o the District Collector
Bangalore Road
Krishnagiri District

+1cc to M/s. L.Poom Pavai, Advocate, S.R.No.41046

+1cc to the Government Pleader, S.R.No.41259

TS(CO)
EU(20/08/2015)

W.P. No.24294 of 2015



सत्यमेव जयते

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