

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

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

W.P. Nos.27333 and 27334 of 2015

M/s.L & T Housing Finance Ltd.
(formerly known as Indo Pacific Housing Finance Ltd.)
AIG Home Finance Ltd. & Weizmann Homes Ltd.)
represented by its Authorised Officer
Mr. P. Srinivasan
V Floor, KGN Towers, No.62, Ethiraj Salai
(Commander-in-Chief Road)
Egmore, Chennai 600 085 ...Petitioner in both the WPs

vs.

- 1 The District Magistrate
(District Magistrate-District Collector)
Vellore ...R1 in both the WPs
- 2 Prabhakaran M.
- 3 P. Kavitha
- 4 V. Moorthy
- 5 N. Devarajan ...RR2-5 in WP No.27333 of 2015
- 2 J. Kirubakaran
- 3 Senthamil Selvi
- 4 K. Arumugam
- 5 V. Kumar ...RR 2-5 in WP No.27334 of 2015

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the applications dated 25.11.2013 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, pending on his file in File Nos.1821 and 1820/14 respectively.

For petitioner
in both the WPs : Mr. D. Pradeep Kumar

For R1
in both the WPs : Mr. P.S. Sivashanmugasundaram
Special Government Pleader

COMMON ORDER

(was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, 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 petitions are taken up for final disposal, at the admission stage itself.

2 The grievance of the petitioner is that the petitioner had filed applications on 25th November 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 petitioner's applications dated 25th November 2013 and decide the same in accordance with law and on their 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 petitions stand disposed of with the above directions. Costs made easy.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

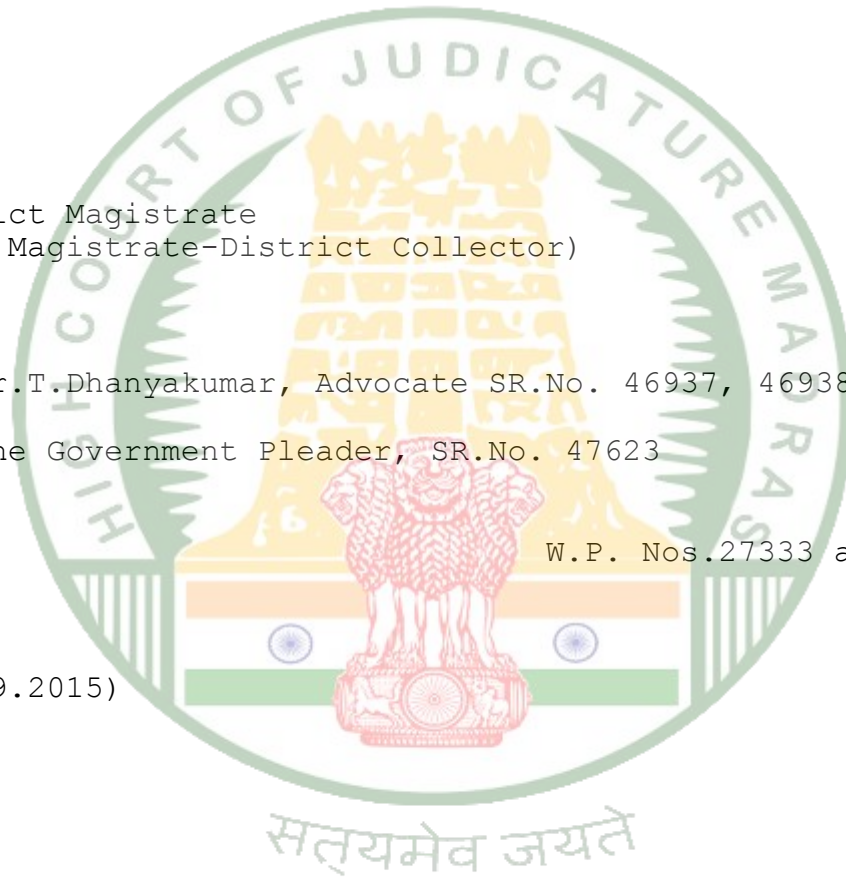
The District Magistrate
(District Magistrate-District Collector)
Vellore.

2 CC to Mr.T.Dhanyakumar, Advocate SR.No. 46937, 46938 (29/09/2015)

1 CC to the Government Pleader, SR.No. 47623

W.P. Nos.27333 and 27334 of 2015

VD (CO)
PSI (11.09.2015)



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