

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

CORAM:

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

W.P. Nos.27486 to 27488 of 2015

HDFC Bank Ltd
(formerly known as Centurion
Bank of Punjab Ltd.)
represented by its Authorised
Officer/Legal Manager
Mr. K. Dinakaran
No.110, Ceebros Buildings, IV Floor
Nelson Manickam Road
Aminjikarai
Chennai 600 029

Petitioner in all the WPs

vs.

The District Collector-cum-District
Magistrate
Thiruvallur District
Thiruvallur

Respondent in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass necessary orders in the petitioner's applications dated 03.04.2014, 07.07.2014 and 17.04.2014 respectively, filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, bearing Reference Nos.(SPL Reg. No.81/14), (SPL Reg. No.111/14) and (SPL Reg. No.83/14) respectively, within a time frame to be fixed by this Court.

For petitioner
in all the WPs

Mr. D. Sathyaraj

For respondent
in all the WPs

Mr. N. Sakthivel
Government Advocate

COMMON ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel for the petitioner and the learned Government Advocate, 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 03.04.2014, 07.07.2014 and 17.04.2014 respectively 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 respondent to take 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.

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

4 Accordingly, without expressing any opinion on the merits of the case, we direct the respondent to take up the petitioner's applications dated 03.04.2014, 07.07.2014 and 17.04.2014 respectively 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 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.

5 The writ petitions stand disposed of with the above directions. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

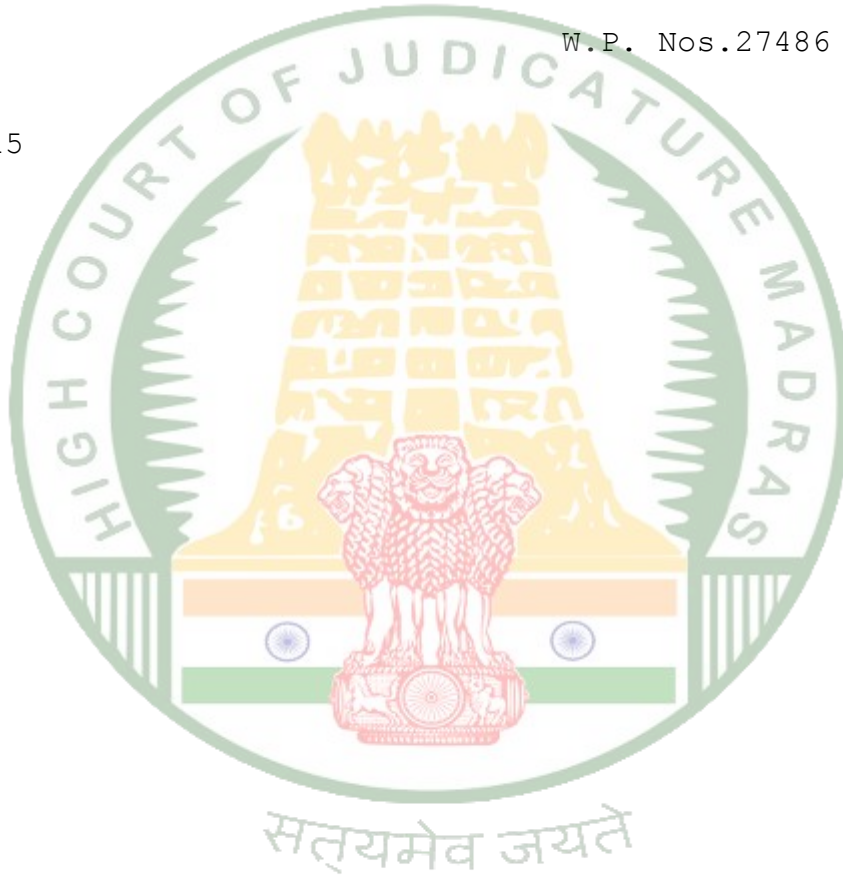
To

The District Collector-cum-District
Magistrate
Thiruvallur District
Thiruvallur.

+ 3 ccs to Mr.D. Sathyaraj, Advocate Sr.47138

W.P. Nos.27486 to 27488 of 2015

KSJ(CO)
EU 18.09.15



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