

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE DR.JUSTICE P.DEVADASS

WP.No.37162/2015 & MP.No.1/2015

Sundaram BNP Paribas Home  
Finance Limited represented by its  
Authorised Officer Mr.N.Udyakumar

.. Petitioner

vs.

1. The District Magistrate/District Collector  
Villupuram District,  
Villupuram 605602.

2. Ramadas T

3. Vijayarani.R

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the 1<sup>st</sup> respondent culminated in the impugned letter No.4/7810/2014 dated 13.08.2015 and quash the same and consequently, directing the 1<sup>st</sup> respondent to dispose the petition dated 21.04.2014 under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 forthwith.

For Petitioner : Mr. P.V.Balasubramanian

For R1 : Mr.N.Sakthivel,  
Government Advocate

ORDER

[Order of the Court was made by K.K.SASIDHARAN, J.,]

Heard the learned counsel for the petitioner and Mr.N.Sakthivel, learned Government Advocate who accepts notice on behalf of the 1<sup>st</sup> respondent. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is directed against the proceedings dated 13.08.2015 on the file of the 1<sup>st</sup> respondent, whereby and where under, certain particulars were called for from the Revenue Divisional Officer, Kallakurichi, pursuant to the application submitted by the petitioner for taking possession under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, [hereinafter referred to as SARFAESI Act].

3. The petitioner initiated proceedings against the respondents 2 and 3 invoking the provisions of SARFAESI Act. The petitioner appears to have taken symbolic possession of the property in question. Subsequently, after complying with the statutory requirements, the petitioner filed an application before the 1<sup>st</sup> respondent under section 14 of the SARFAESI Act for taking possession. Since action was not taken by the 1<sup>st</sup> respondent within a reasonable time, the petitioner filed a writ petition before this Court in WP.No.4107/2015. This Court, by order dated 18.02.2015, directed the 1<sup>st</sup> respondent to dispose of the matter within a period of six weeks. It so appears that subsequently, instead of disposing of the matter within the time stipulated by this Court, the 1<sup>st</sup> respondent, vide impugned order, called for certain particulars from the Revenue Divisional Officer, Kallakurichi. The petitioner is aggrieved primarily on the ground that the District Collector has no such power to call for particulars from the revenue authorities.

4. We are not in a position to agree with the submission made by the learned counsel for the petitioner with respect to the particulars called for by the District Collector from the 2<sup>nd</sup> respondent.

5. The 1<sup>st</sup> respondent, exercising the power under section 14 of the SARFAESI Act, must ensure that the Bank is entitled to an order to take possession of the security interest. It was only to verify the factual particulars, the 1<sup>st</sup> respondent has called for certain particulars from the 2<sup>nd</sup> respondent. We are therefore, of the view that no interference is called for in the proceedings challenged in this writ petition.

6. This Court has already directed the 1<sup>st</sup> respondent vide order dated 18.02.2015 in WP.No.4107/2015 to dispose of the matter within a period of six weeks. Such being the position, the 1<sup>st</sup> respondent was not correct in keeping the matter pending endlessly.

7. We direct the 1<sup>st</sup> respondent to conclude the proceedings with notice to all concerned, as expeditiously as possible, and in any case, on or before 31<sup>st</sup> December 2015.

8. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.  
AP

Sd/-  
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

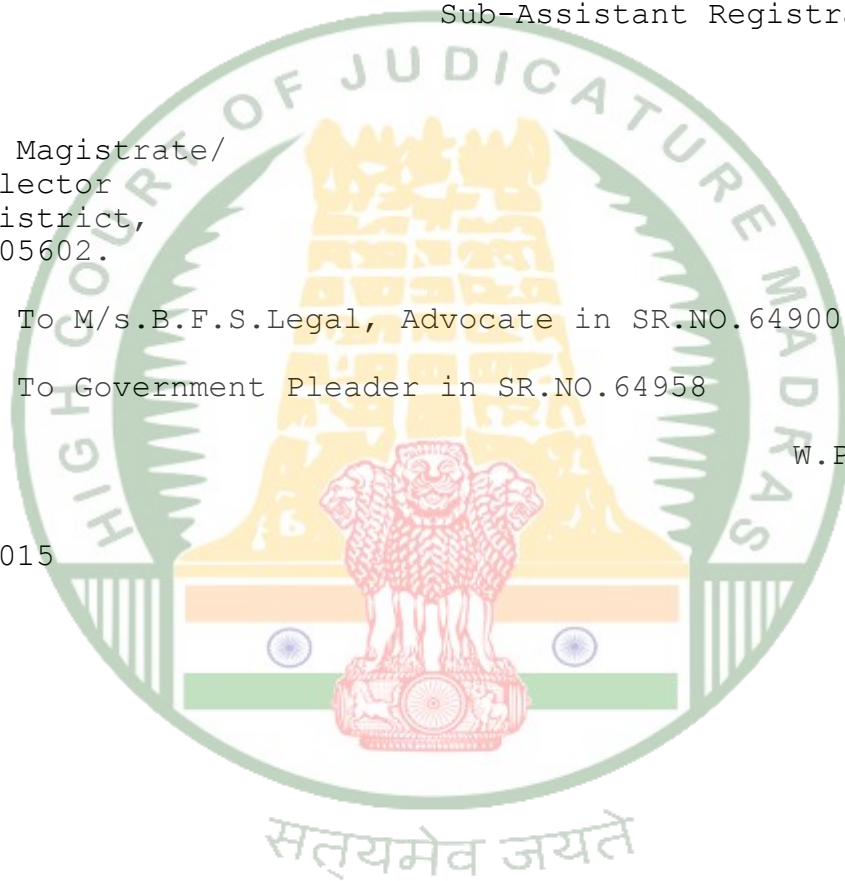
The District Magistrate/  
District Collector  
Villupuram District,  
Villupuram 605602.

+1 C.C. To M/s.B.F.S.Legal, Advocate in SR.NO.64900

+1 C.C. To Government Pleader in SR.NO.64958

W.P.No.37162/2015

SV(CO)  
sd : 11/12/2015



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