

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.39512 of 2015

State Bank of India
Stressed Assets Recovery Cell Wing
Small and Medium Enterprises City Credit Centre
V Floor, No.157 Anna Salai
Chennai 600 002
represented by its Chief Manager & Authorised Officer
Mr. S. Lakshminarayanamoorthy

Petitioner

vs.

- 1 The District Collector
Collector Office
Thrivallur, Thiruvallur District
- 2 Dinesh Kumar Gour, S/o Prem Kumar Gour
Proprietor, Sri Lakshmi Vishnu Enterprises
No.66-B Mettu Street
Sathangadu (Near Toll Gate)
Thiruvottiyur, Chennai 600 019
- 3 Bhanwarlal Indoria
- 4 Sashi Kanth Indoria

Respondents

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 Spl. Reg. No.105/2014/M2 filed under Section 14(1) of the SARFAESI Act dated 04.07.2014, pending on his file within a time frame.

For petitioner

Ms. L. Poompavai

For R1

Mrs. A. Srijayanth,
Special Government Pleader

ORDER
(delivered 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 26 June 2014 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.

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

cad

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The District Collector
Collector Office
Thrivallur, Thiruvallur District

+ 1 cc to Mr.M.Poomparai Advocate SR 67489

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