IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. Nos.40257 to 40259 of 2015

Sundaram BNP Paribas Home Finance Ltd.
represented by its Authorised Officer
N. Udayakumar
46, Whites Road
S.F. Towers, IV Floor
Royapettah, Chennai 600 014 ... Petitioner in all WPs

vs.

The District Magistrate/District Collector
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 orders on the petitions dated 04.04.2015, 17.04.2015 and 13.04.2015 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, within a time frame.

For petitioner in all the WPs — Mr. J. Ravindran

For respondent in all the WPs — Mr. N. Sakthivel, Government Advocate

COMMON ORDER

(delivered 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 appearing for the 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 petitions on 04 April 2015, 17 April 2015 and 13 April 2015 under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security

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Interest Act, 2002 (for short "the SARFAESI Act"), seeking assistance of the respondent to take over possession of the secured assets 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 assets, 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 matters 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 assets 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 Others[1].

5 The writ petitions stand disposed of with the above directions sans costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

The District Magistrate/District Collector
Thiruvallur District
Thiruvallur

1 cc to the Government Pleader, Sr. 69262
3 ccs to M/s. J. Ravindran, Advocate, Sr. 69312, 69313, 69314

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1 (2014) 6 SCC 1

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