

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.9508 to 9510 of 2015

Sundaram BNP Paribas Home Finance Ltd.
Represented by its Authorised Officer
N. Udayakumar
46 Whites Road
SF Towers - I Floor
Royapettah
Chennai 600 014

... Petitioner in all the WPs

Vs.

The District Magistrate/District Collector
Dharmapuri District
Dharmapuri

... Respondent in WP Nos.9508 & 9509/2015

The District Magistrate/District Collector
Nilgiris/Udhagamandalam District
The Nilgiris

... Respondent in WP No.9510 of 2015

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 filed on 21.4.2014, 30.06.2014 and 25.07.2014 respectively under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and implement the same.

For petitioner : Mr. K. J. Parthasarathy
in all the WPs

For respondent : Mr. P.S. Sivashanmugasundaram
in all the Wps Special Government Pleader

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The grievance of the petitioner is that the petitioner had filed petitions 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") on 21.04.2014, 30.06.2014 and 25.07.2014, respectively, seeking assistance of the concerned respondent for taking over possession of the secured asset in furtherance of exercise under Section 13(4) of the SARFAESI Act. However, the concerned respondent has not taken any step so far when the object of the said provisions is to extend assistance to secure possession of the secured asset, at the earliest.

2. The learned Special Government Pleader appearing for the respondents submits that a direction to that effect may be issued to the concerned respondent.

3. Accordingly, we direct the concerned 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 six weeks from the date of receipt of a copy of this order. The concerned District Magistrate/District Collector 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 Others¹.

4. The writ petitions are disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

cad

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¹ (2014) 6 SCC 1

To

1. The District Magistrate/District Collector
Dharmapuri District
Dharmapuri
2. The District Magistrate/District Collector
Nilgiris District
The Nilgiris

+3cc's to Mr.K.J.Parthasarathy, Advocate, S.R.No.18786, 18787, 18785
+1cc to the Government Pleader, S.R.No.18516

W.P. Nos.9508 - 9510 of 2015

VSN(CO)
CA(10/04/2015)



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