

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.11565 of 2016

Kotak Mahindra Bank Ltd.
represented by its Authorised Officer
Joyal Nadar
having its Branch Office at
I Floor, Ceebros Centre
39, Montieth Road
Egmore, Chennai 600 008

Petitioner

vs.

The District Magistrate/District Collector
Tiruvallur District
Tiruvallur

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass orders on the petition dated 29.01.2014 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and implement the same within a stipulated time.

For petitioner Mr. K.J. Parthasarathy

For respondent Mr.P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With consent, 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 before the respondent on 29 January 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 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 Special Government Pleader 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 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 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 and Vishal N. Kalsaria vs. Bank of India and Others².

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

The District Magistrate/District Collector
Tiruvallur District
Tiruvallur

1 cc to M/s.K.J. Parthasarathy, Advocate, Sr. 19538
1 cc to Government Pleader, Sr. 21099

W.P. No.11565 of 2016

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1 (2014) 6 SCC 1
2 2016 (1) Scale 472