

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.12212 of 2016

State Bank of Travancore
6A Centennial Square IV Floor
Dr. Ambedkar Road
Kodambakkam
Chennai 600 024
represented by its Assistant General Manager
(Operations and Recovery)

Petitioner

vs.

1 The District Collector
Tiruppur District
Tiruppur

2 Dhanushree Industries
Proprietrix, C. Sulochana
629/1, 2, Muthukalivalasu
Kadiyur Via
Kangayam 638 701
Tiruppur District

3 E. Thananjayan (Guarantor)

4 Dhanushree Oil Mills
Proprietor, Shri E. Thananjayan
24, Agasthilingampalayam Pirivu
Tiruppur Road
Kangayam 638 701

5 C. Sulochana (Guarantor)

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass appropriate orders in the petition dated 05.01.2016 filed by the petitioner under Section 14 of the SARFAESI Act, 2002, with respect to the secured assets of the petitioner bank, within a time frame.

For petitioner Mr. Swarnam J. Rajagopalan

For R1

Mrs. A. Srijayanthi, Spl. Govt. Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the first respondent. Notice to other respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, this 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 first respondent on 05 January 2016 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 assets 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 assets, 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 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 and Vishal N. Kalsaria vs. Bank of India and Others².

1 (2014) 6 SCC 1

2 2016 (1) Scale 472

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

Sd/-
Assistant Registrar(J)

//True Copy//

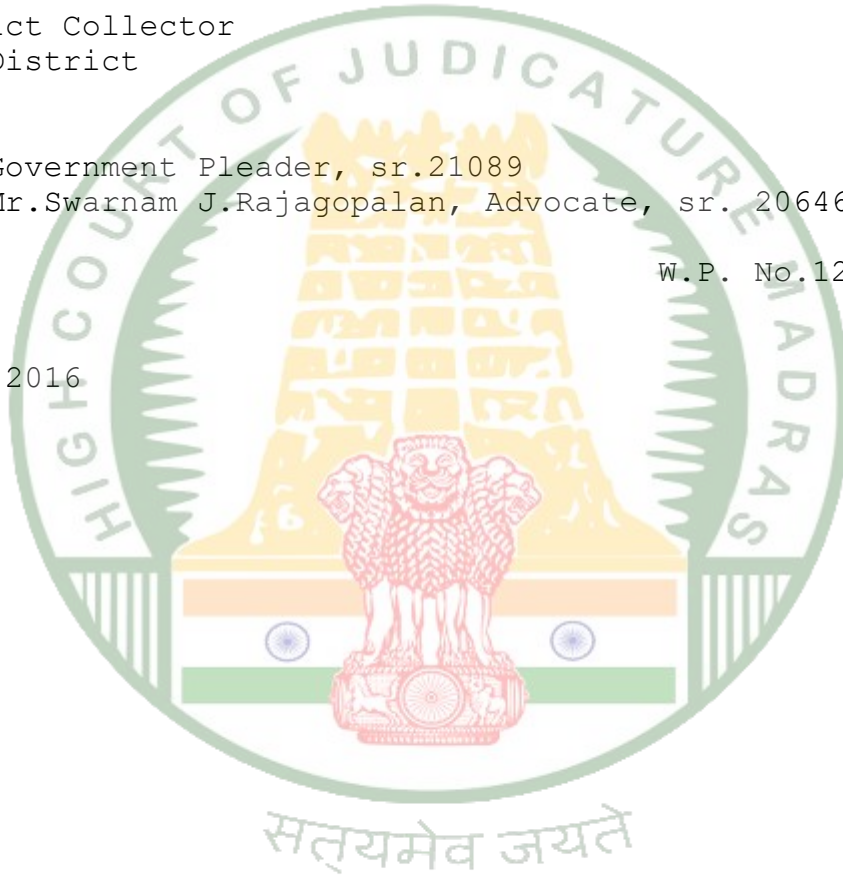
Sub Assistant Registrar

cad
To
The District Collector
Tiruppur District
Tiruppur

+1 cc to Government Pleader, sr.21089
+1 cc to Mr.Swarnam J.Rajagopalan, Advocate, sr. 20646

W.P. No.12212 of 2016

vsn co
kra 12.04.2016



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