

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.12521 of 2016

Indusind Bank Ltd.,
Old No.115, 116, New No.34,
G.N.Chetty Road, T. Nagar, Chennai,
represented by its Chief Manager
Mr. Vivek Arayakat.

Petitioner

vs.

The District Collector
(District Magistrate)
Kancheepuram District,
Kancheepuram.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass appropriate orders in the petitioner's application dated 07.01.2016, which was received by the respondent on 09.01.2016, submitted under Section 14 of the SARFAESI Act, rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured asset as set out therein.

For petitioner Mr. E. Omprakash
for
M/s. Ramalingam and Associates

For respondent Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 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 dated 07 January 2016 before the respondent 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 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 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 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.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
The District Collector
(District Magistrate)
Kancheepuram District,
Kancheepuram.

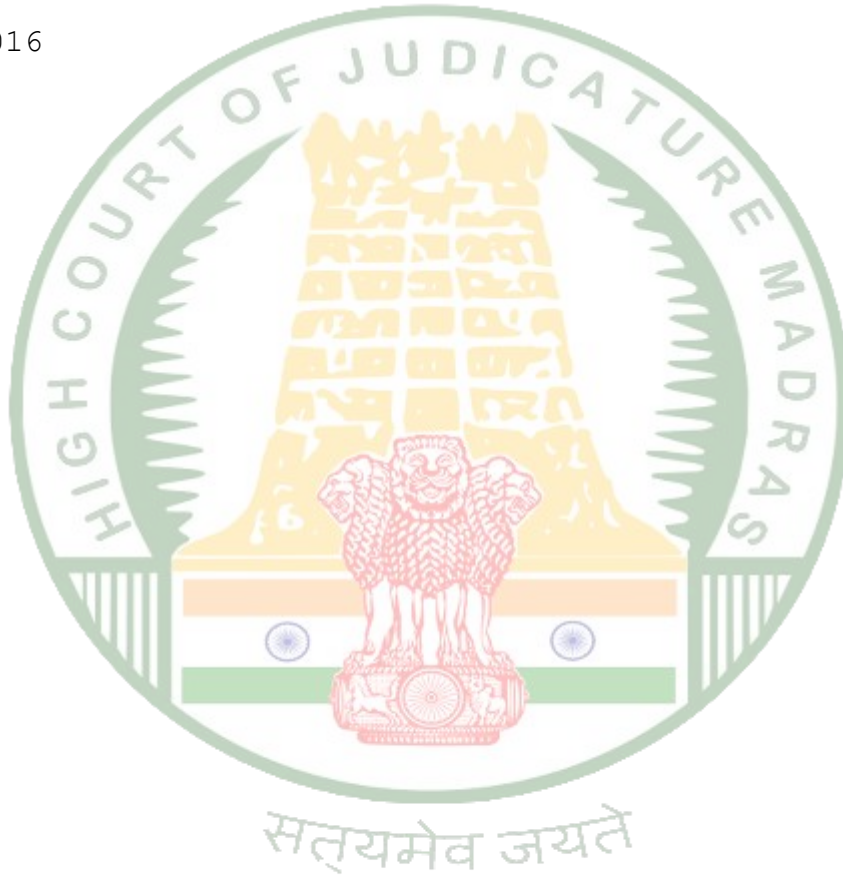
1 (2014) 6 SCC 1

2 2016 (1) Scale 472

+2 ccs to M/S.Ramalingam Associates sr.21146
+1 cc to Government Pleader sr.21122

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