

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. Nos.13556 and 13557 of 2016

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 both the
WPs

vs.

The District Magistrate/
District Collector
Salem District, Salem

Respondent in both 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 filed on 01.09.2015 and 25.08.2015 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 in Mr. K.J. Parthasarathy
both the WPs

For respondent in Mrs. T.T. Girija
both the WPs Government Advocate

ORDER
(delivered by SATISH K.AGNIHOTRI, J.)

Mrs. T.T. Girija, learned Government Advocate, accepts notice for the respondent. With consent, these 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 before the respondent on 01 September 2015 and 25 August 2015 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 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 petitions filed by the petitioner 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 Others¹ and Vishal N. Kalsaria vs. Bank of India and Others².

5 The writ petitions stand disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

The District Magistrate/District Collector
Salem District, Salem

+2ccs to M/s. K.J. Parthasarathy, Advocate, S.R.No.23025 & 23026
+1cc to the Government Pleader, S.R.No.23213

VD(CO)
EU(27/04/2016)

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1 (2014) 6 SCC 1

2 2016 (1) Scale 472