

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

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

W.P. Nos.14627 and 14628 of 2016

M/s.State Bank of India
Stressed Assets Management Branch
Raja Plaza, First Floor
No.1112, Avinashi Road
Coimbatore 641 037
represented by its Chief Manager ...Petitioner in both the WPs

vs.

The District Collector
(District Magistrate)
Coimbatore District, Coimbatore
...Respondent in W.P. No.14627 of 2016

The District Collector
(District Magistrate)
Tirupur District, Tirupu ...Respondent in W.P. No.14628 of 2016

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to pass appropriate orders on the petitioner's applications dated 03 November 2015 in file Ref.Nos.20202 and 15181, respectively, 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 assets as set out therein, except the assets secured to the dues in the account of M/s. M.P. Shan Tax Pvt. Ltd.

For petitioner in Mr. Omprakash
both the WPs for M/s. Ramalingam and Associates

For respondent in Mr. P.S. Sivashanmugasundaram
both the WPs Special Government Pleader

COMMON ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, 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 applications before the respondents on 03 November 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 respondents have 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 It is also brought to the notice of this Court by the learned counsel for the petitioner that even the State Government, vide Letter No.19498/Res.II/2014-1 dated 09 February 2014, had directed all the District Collectors, to take up the applications filed under Section 14 of the SARFAESI Act, for disposal, expeditiously. Despite such a clear direction, which is in tune with the object of the SARFAESI Act, the respondents are failing in the discharge of their duties.

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

5 Accordingly, without expressing any opinion on the merits of the case, we direct the respondents to take up the applications 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 respondents are 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 Others*¹ and *Vishal N. Kalsaria vs. Bank of India and Others*².

1 (2014) 6 SCC 1

2 2016 (1) Scale 472

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

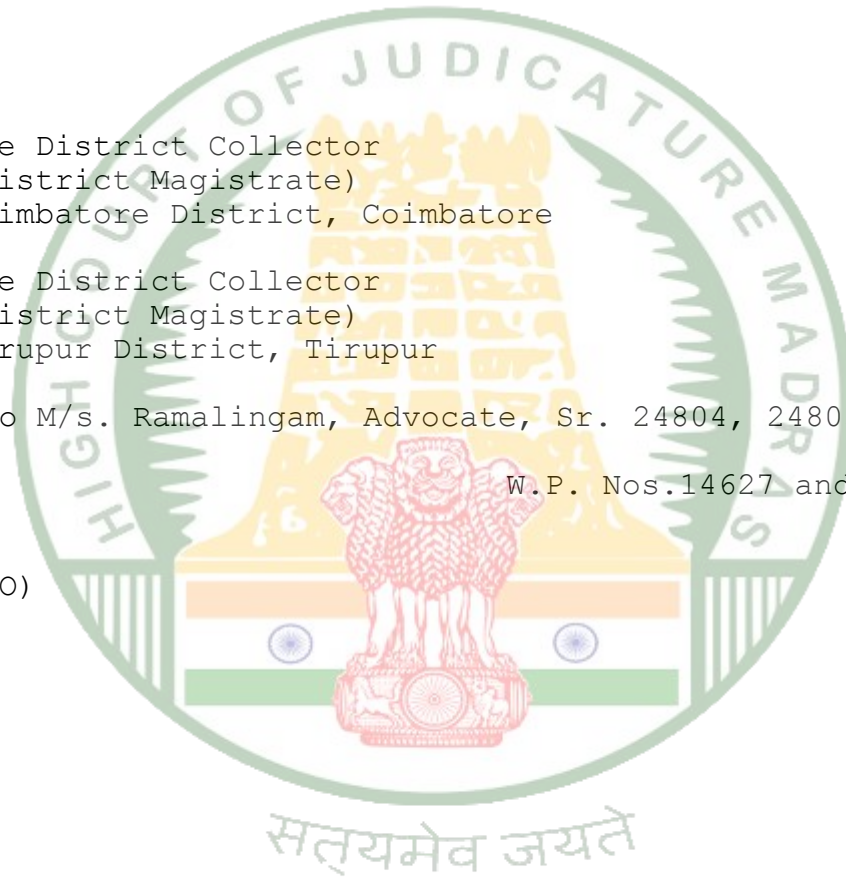
1 The District Collector
(District Magistrate)
Coimbatore District, Coimbatore

2 The District Collector
(District Magistrate)
Tirupur District, Tirupur

4 ccs to M/s. Ramalingam, Advocate, Sr. 24804, 24805

W.P. Nos.14627 and 14628 of 2016

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