

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.2312 of 2016 and W.M.P. No.2018 of 2016

Axis Bank Ltd.
(formerly known as UTI Bank Ltd.)
represented by its Asst. Vice President/Authorised Signatory
M. Gopikrishnan
Centennial Square, II Floor
No.6A Dr. Ambedkar Road
Kodambakkam, Chennai 600 024

Petitioner

vs.

1 The District Collector
Office of the Collectorate
Thiruvallur
Tamil Nadu 602 001

2 D. Karthikeyan

3 Poovizhiselvi Jeyaraman

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 on the petition filed on 02.04.2015 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, against the 2nd and 3rd respondents holding reference No.RC.No.4598/2015/A4 dated 15.07.2015 followed by representation dated 22.12.2015 to the I respondent and the same was received on 26.12.2015.

For petitioner M/s. M.R. Uma Vijayan

For R1

Mr. N. Sakthivel, Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Notice to respondents 2 and 3 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent, 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 on 02 April 2015 before the first 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 his assistance to take over possession of the secured asset 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 asset, at the earliest.

3 The learned Government Advocate 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 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.

5 The writ petition stands disposed of with the above directions. No costs. Connected W.M.P. is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

cad

1 (2014) 6 SCC 1

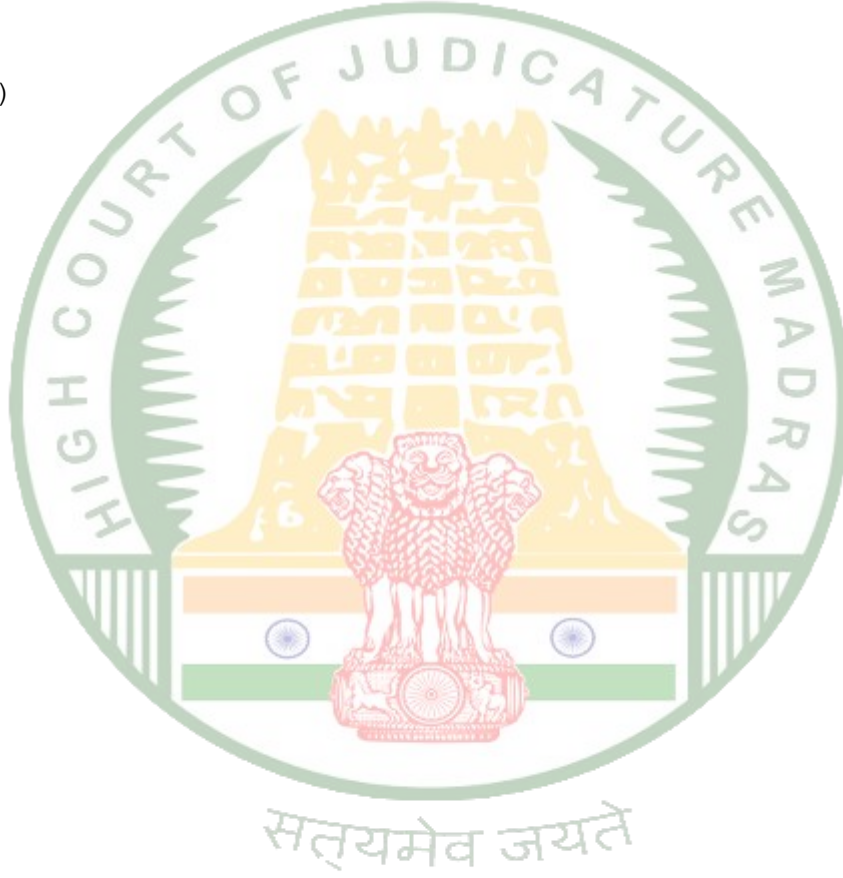
To

The District Collector
Office of the Collectorate
Thiruvallur
Tamil Nadu 602 001

1 cc to M/s.M.R. Umavijayan, Advocate, sr. 4192
1 cc to Government Pleader, Sr. 5135

W.P. No.2312 of 2016

SCD (CO)
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