

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/12/2016

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice M.Govindaraj

Writ Petition Nos.23991 to 23993 of 2016

M/s. Sundaram BNP Paribas Home Finance Ltd
rep. By its Authorised Officer
Mr.N.Udaya Kumar
46 Whites Road
SF Towers, I Floor
Royapettah
Chennai 600 014. ... Petitioner

Vs

The District Magistrate/District Collector
Coimbatore District
Coimbatore. ... Respondent

Prayer: Petitions filed under Article 226 of the Constitution of India praying for the issuance of writs of mandamus, directing the respondent, not to pass orders on the petitions filed, on 12/8/2014, 1/10/2014 and 29/12/2014, respectively, under Section 14 of the SARFAESI Act, 2002 and implement the same, within the time fixed by this Court.

For petitioner ... Mr.K.J.Parthasarathy

For respondent ... Mr.K.V.Dhanapalan
Special Government Pleader

C O M M O N O R D E R

(Order of the Court was made by S.Manikumar,J)

Contending interalia that the District Magistrate/District Collector, Chennai, has not passed any orders on the petitions filed under Section 14 of the Securitisation and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, Sundaram BNP Paribas Home Finance Ltd., Chennai, has filed the instant writ petitions, seeking for a mandamus, directing the said authority, to pass appropriate orders.

2. When the matters came up on 14/12/2016, we directed Mr.K.V.Dhanapalan, learned Special Government Pleader, to get instructions. Considering the limited prayer, we directed the Registry to post the writ petitions, on 19/12/202016 and thus, it is listed today.

3. On this day, when the matters came up for further hearing, Mr.K.V.Dhanapalan, learned Special Government Pleader, submitted that though a letter, dated 17/12/2016, has been sent to the District Magistrate/District Collector, Coimbatore District, by Fax, requesting him to provide appropriate instructions, so far, no instructions have been furnished.

4. We have perused the aforesaid letter, dated 17/12/2016, addressed to the District Magistrate/District Collector, Coimbatore District.

5. Section 14 of the SARFAESI Act, 2002 mandates that on receipt of an affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit, pass suitable orders for the purpose of taking possession of the secured assets, within a period of 30 days from the date of application:

Provided further that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate, within the said period of thirty days, for the reasons beyond his control, he may after recording reasons, in writing, for the same, pass the order within such also period but not exceeding in aggregate 60 days.

6. Section 14 of the said Act, also contemplates the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, to consider certain parameters.

7. Directions have been issued by the Principal Secretary to Government, vide, Letter No.19498/Res.II/2014-1, dated 9/7/2014, that there should be speedy disposal of the application filed under Section 14 of the SARFAESI Act. The said letter is extracted hereunder:-

"I am to invite your kind attention to the reference cited (copy enclosed) wherein the GM, SLBC, Chennai, has requested to advise the District Collectors (District Magistrates) for speedy disposal of applications filed by banks to assist in taking possession of securities of the defaulters charged to the banks under Section 14 of SARFAESI Act, 2002.

2. In this connection, I am to request you to take necessary action for speedy disposal of the applications filed by the banks in taking possession of securities of the defaulters charged to the banks under Section 14 of SARFAESI Act, 2002, without affecting the image of the administration."

8. Following the same, in W.P.No.7813 of 2016, dated 22/4/2016, a Hon'ble Division Bench of this Court, has passed the following order:-

"In the light of the above, we direct the District Collector (District Magistrate), Thanjavur District, to pass orders on the Application dated 18/8/2015 in file Ref.No.34810/2015, filed under Section 14 of the SARFAESI Act, within the period of two months from the date of receipt of a copy of this order. While doing so, procedure set out under Section 14 of the Act should be followed. Mr.B.Kumar, learned Additional Government Pleader is directed to forward the copy of this order to the Principal Secretary to Government, Finance (Res.II), Department, Chennai for appropriate follow up action."

9. Along with the supporting affidavit, to the instant writ petition, the petitioner has also enclosed the copies of the petitions, dated 8/1/2014, 7/5/2014, 11/9/2014, 24/12/2014 and 31/1/2015, filed under Section 14 of the SARFAESI Act, 2002.

10. Placing on record the submission of Mr.K.J.Parthasarathy, learned counsel for the writ petitioner that no orders have been passed and in the absence of any specific instructions by the District Magistrate/District Collector, Coimbatore, we are inclined to pass the following order.

11. The District Magistrate/District Collector, Coimbatore, is directed to dispose of the petitions filed by the petitioner, if not done earlier, within a period of one month, from the date of receipt of a copy of this order. While doing so, District Magistrate/District Collector, Coimbatore District, should act in accordance with Section 14 of the SARFAESI Act, 2002.

12. With the above observation and direction, these writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

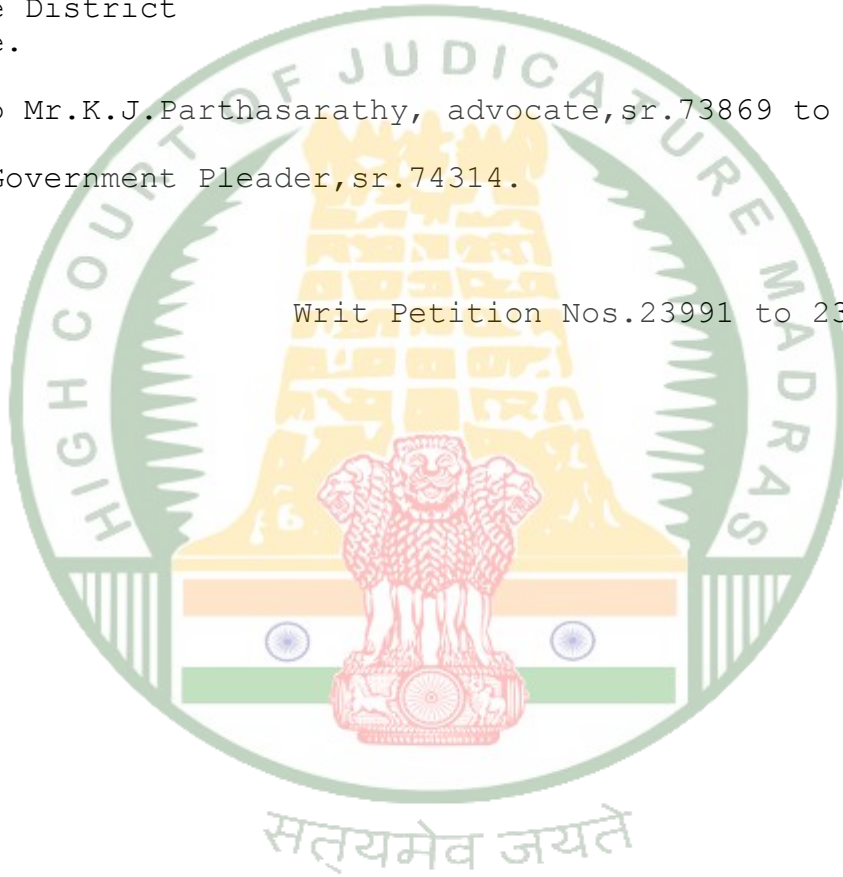
The District Magistrate/District Collector
Coimbatore District
Coimbatore.

+3 cc's to Mr.K.J.Parthasarathy, advocate,sr.73869 to 871

+1 cc to Government Pleader,sr.74314.

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