

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE N.AUTHINATHAN

Writ Petition No.32448 of 2016

The Catholic Syrian Bank Ltd
Rep by Chief Manager
Mrs.Kavitha Ramachandran
Zonal Office, Rani Seethai Hall
7th Floor 603 Anna Salai
Chennai-600 006

... Petitioner

vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. M/s.Lakshmi Ranga Enterprises Private Ltd.,
H.82/F2, 1st Floor, Valmiki Road,
Tiruvanmiyur, Chennai - 600 041
also at
No.52(6A), Big Street,
Tiruvannamalai - 606 601.

3. M/s.Lakshmi Trader,
No.270, Velacherry Main Road,
Narayanapuram, Chennai - 600 100
also at
No.52(6A), Big Street,
Tiruvannamalai - 606 601.

4. Sr.R.Anbalagan

5. Smt.A.Shanthi

6. Selvi A.Thilagavathi

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the 1st respondent to pass an order in Petitioner application under section 14(1) & (2) SARFAESI Act petition & to handover the vacant Possession in L.R. No. C4/ 13297/ 2016 dated 22.03.2016 filed under section 14 (1) of the SARFAESI Act pending on his file with in a time frame.

For Petitioner : Mr.L.Poompavai

For Respondents : Mr.K.V.Dhanapalan (for R1)
Special Government Pleader

ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

Notice to respondents 2 to 6, is dispensed with at this stage as no order prejudicial to their interest is passed in this Writ Petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, the writ petition is taken up for final disposal.

2 The grievance of the petitioner is that the petitioner has filed a petition dated NIL 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 of the first respondent 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. Learned Special Government Pleader 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 twelve 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 recent judgment of the Supreme Court in ***Vishal N.Kalsaria Vs. Bank of India and Others***, reported in (2016) 3 SCC 762

5. The writ petition stands disposed of with the above directions.

No costs.

Index: Yes/No
Internet: Yes.
ars

(S.M.K., J.) (N.A.N., J.)
19.09.2016

S.MANIKUMAR,J.
AND
N.AUTHINATHAN,J.

ars

To

The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

Writ Petition No.32448 of 2016

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