

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.8249 of 2016

HDFC Bank Ltd.
represented by its Authorised Officer/Legal Manager
Akshai
110, Ceebros Buildings, IV Floor
Nelson Manickam Road, Aminjikarai
Chennai 600 029 ... Petitioner

vs.
The District Collector-cum-District Magistrate
Salem District
Salem ... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pass necessary order in the application dated 28.08.2015 filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, bearing Roc. No.32312/2015/C5 within a time frame.

For petitioner Mr. D. Sathyaraj

For respondent Ms. T.T. Girija
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Ms. T.T. Girija, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the 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 before the 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 assistance to take over possession of the secured asset 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 asset, 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 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 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 and Vishal N. Kalsaria vs. Bank of India and Others².

5 The writ petition stands disposed of with the above directions. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

1 (2014) 6 SCC 1

2 2016 (1) Scale 472

To

The District Collector-cum-District Magistrate,
Salem District,
Salem.

+1cc to Mr.D.Sathyaraj, Advocate, S.R.No.14674
+1cc to the Government Pleader, S.R.No.14946

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kgk (CO)
srg (17/03/2016)



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