

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM:

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

W.P. Nos.8566 and 8568 to 8570 of 2016

Sundaram BNP Paribas Home Finance Ltd.  
formerly known as (Sundaram Home Finance Limited)  
represented by its Authorised Officer  
N. Udayakumar  
No.46, Whites Road  
Chennai 600 014

Petitioner in all the writ petitions

vs.

The District Magistrate/District Collector  
Office of the District Collector  
Kanchipuram District  
Kanchipuram 631 501.

... R1 in all the writ petitions

|   |                      |                                      |
|---|----------------------|--------------------------------------|
| 2 | C. Jayaraman         |                                      |
| 3 | J. Manjula           | ... RR 2 & 3 in W.P. No.8566 of 2016 |
| 2 | G. Raghupathi Ramani |                                      |
| 3 | P.K. Sangeetha Rao   | ... RR 2 & 3 in W.P. No.8568 of 2016 |
| 2 | A. Sundaramurthy     |                                      |
| 3 | P. Muthulakshmi      | ... RR 2 & 3 in W.P. No.8569 of 2016 |
| 2 | Subha J              |                                      |
| 3 | Paulraj S            | ... RR 2 & 3 in W.P. No.8570 of 2016 |

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider and pass orders on the petitions dated 02.09.2015, 03.10.2015, 13.04.2015 and 03.10.2015 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 forthwith.

For petitioner  
in all the WPs

Mr. P.V. Balasubramaniam

For R1  
in all the WPs

Mr. P.S. Sivashanmugasundaram  
Special Government Pleader

#### COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Notice to other respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest is passed in these writ petitions. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, the 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 petitions before the first respondent on 02.09.2015, 03.10.2015, 13.04.2015 and 03.10.2015 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 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 assets, at the earliest.

3 The 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 matters 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 first respondent is 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<sup>1</sup> and Vishal N. Kalsaria  
vs. Bank of India and Others<sup>2</sup>.

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

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

The District Magistrate/District Collector,  
Office of the District Collector,  
Kanchipuram District,  
Kanchipuram 631 501.  
+ 1 cc to Government Pleader SR NO 15765[8/6/16]  
+2cc to M/S.BES Legal, Advocate, S.R.No.14929

Common Order in  
W.P. Nos.8566 and 8568 to 8570 of 2016

rsk(CO)  
srg(15/03/2016)

सत्यमेव जयते

WEB COPY

---

1 (2014) 6 SCC 1

2 2016 (1) Scale 472