

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. No.8567 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

vs.

- 1 The District Magistrate/District Collector  
Office of the District Collector  
Tiruvallur District  
Tiruvallur 602 001
- 2 K. Kamalakannan
- 3 K. Nirmala ....Respondents

Writ Petition 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 petition dated 10.12.2014 filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 forthwith.

For petitioner Mr. P.V. Balasubramaniam

For R1 Mr. P.S. Sivashanmugasundaram  
Special Government Pleader

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 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, at the admission stage itself.

2 The grievance of the petitioner is that the petitioner had filed a petition before the first respondent on 10 December 2014 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 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 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 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 Others<sup>1</sup> and Vishal N. Kalsaria vs. Bank of India and Others<sup>2</sup>.

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

सत्यमेव जयते

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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1 (2014) 6 SCC 1

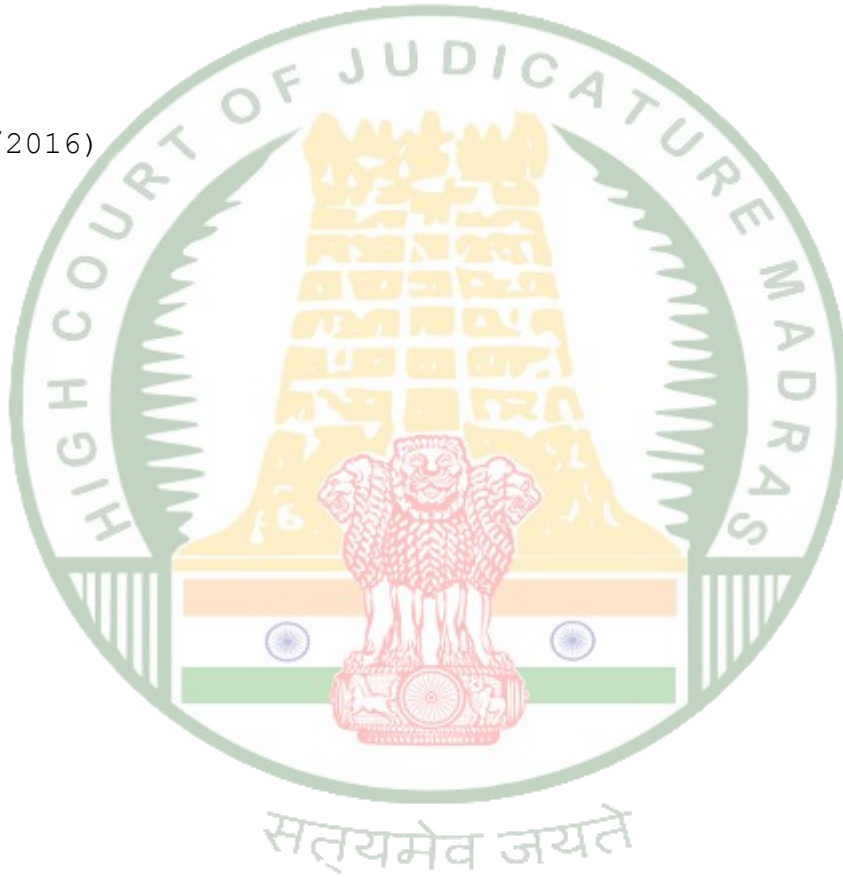
2 2016 (1) Scale 472

To

The District Magistrate/District Collector,  
Office of the District Collector,  
Tiruvallur District,  
Tiruvallur 602 001.

W.P. No.8567 of 2016

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



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