

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2016

CORAM:

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

W.P. Nos.9258 and 9259 of 2016

The Authorised Officer
Tamilnad Mercantile Bank Ltd.
Kancheepuram Branch Petitioner in WP No.9258 of 2016

The Authorised Officer
Tamilnad Mercantile Bank Ltd.
T. Nagar Branch
No.25, Venkatnarayana Road
T. Nagar, Chennai 600 017 Petitioner in WP No.9259 of 2016
vs.

The District Magistrate and District Collector
Kancheepuram District
Kancheepuram Respondent in WP No.9258 of 2016

The District Magistrate and District Collector
Thiruvallur District
Thiruvallur Respondent in WP No.9259 of 2016

Prayer in W.P. No.9258 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to take action under Section 14 of the SARFAESI Act within its specified period on the basis of the petition filed on 19.09.2014 and hand over possession of the property bearing Edmachery Village, Uthiramerur Taluk, Kancheepuram District situated at 19 cents in Survey No.288/1A, 14 cents in Survey No.288/1B1 & 55 cents Survey No.288/1B2 (totally 88 cents) and factory building.

Prayer in W.P. No.9259 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to take action under Section 14 of the SARFAESI Act within its specified period on the basis of the petition filed on 09.03.2015 and hand over possession of the property bearing Plot No.20, Rathna Nagar Vanagaram Village, Ambattur Taluk, Thiruvallur District situated at Building at S.No.145/2, land to the extent of 1200 sq. ft. constructed house building.

For petitioner in
both the WPs Mr. S. Sethuraman

For respondent in Mr. P.S. Sivashanmugasundaram
both the WPs Special Government Pleader

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents, the writ petitions are taken up for final disposal, at the admission stage itself.

2 The grievance of the petitioners is that they had filed petitions before the respective respondent on 19 September 2014 and 09 March 2015 under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "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 respondents have 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 respondents submits that a direction to that effect may be issued to the respondents.

4 Accordingly, without expressing any opinion on the merits of the case, we direct the respondents 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 respondents are 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 Others¹ and Vishal N. Kalsaria vs. Bank of India and Others².

1 (2014) 6 SCC 1

2 2016 (1) Scale 472

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1 The District Magistrate and District Collector
Kancheepuram District
Kancheepuram

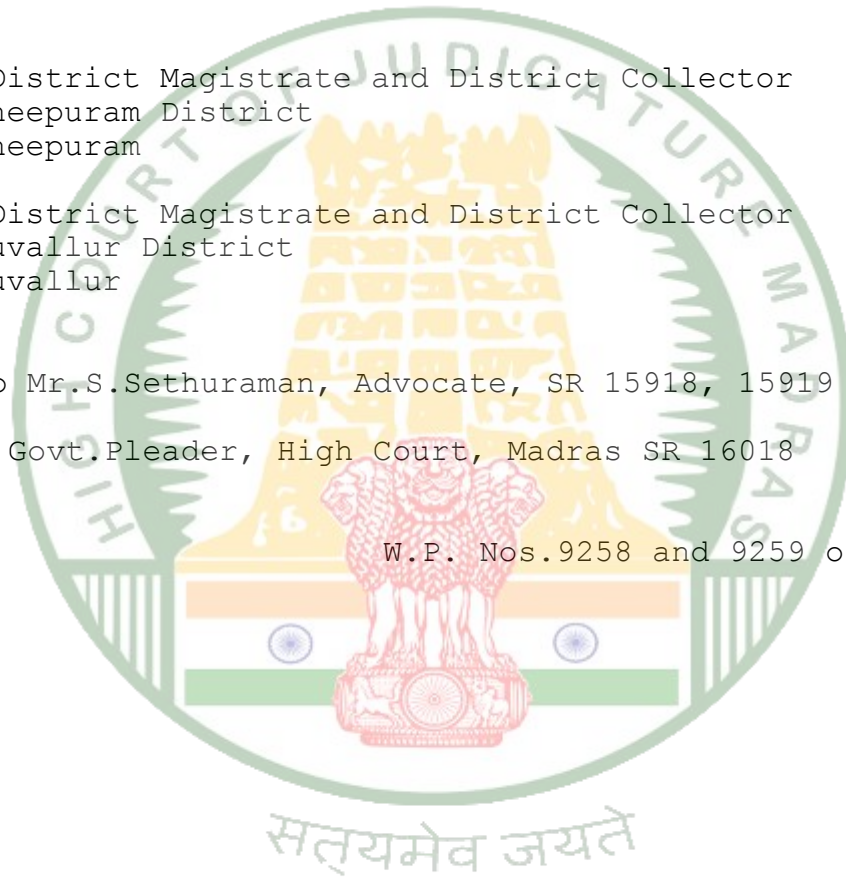
2 The District Magistrate and District Collector
Thiruvallur District
Thiruvallur

+ 2 ccs to Mr.S.Sethuraman, Advocate, SR 15918, 15919

+ 1 cc to Govt.Pleader, High Court, Madras SR 16018

sai(co)
prk23/3

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