



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) Nos.16383 to 16386 of 2016

M/s.Sundaram BNP Paribas Home Finance Ltd.,
Rep by its Authorised Officer R.Shanmugam,
46, Whites Road, SF Towers, I Floor,
Royapettah, Chennai 600 014.

... Petitioner in all W.Ps.

Vs.

1. The District Magistrate/District Collector,
Office of the District Collector,
Tiruchirapalli District,
Tiruchirappalli 620001.

... 1st Respondent in all WPs

2. M.Kathirvel

3. M.Malar

... 2nd and 3rd Respondents in
W.P(MD)No. 16383 of 2016

4. M.Rafieeq Ahamed

5. R.Vahitha Banu

... 2nd and 3rd Respondents in
W.P(MD)No. 16384 of 2016

6.A.Bagrudeen

7.U.Benazirbegum

... 2nd and 3rd Respondents in
W.P(MD)No. 16385 of 2016

8.S.Muthuraj

9.M.Gowri

10.M/s.Smar Solutions Private Ltd.,
Old.No.71, New No.64, 1st Floor,
Mettu Street, Vadapalani,
Chennai 600 026.

... 2-4 Respondents in
W.P(MD)No. 16386 of 2016

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to pass orders on the petition filed on 15.04.2015, 08.05.2015, 08.05.2015 and 27.08.2015 respectively under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and implement the same within the time fixed by this Court.



For Petitioner : Mr.N.Anandakumar
For 1st Respondent : Mr.M.Alagadevan,
(In all W.Ps) Special Government Pleader.

WEB COPY

COMMON ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

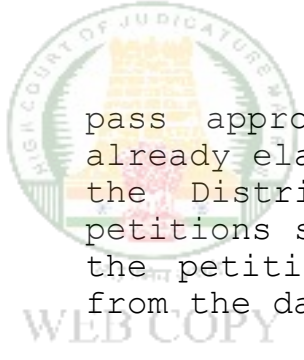
These writ petitions, all can be disposed of by a common order as the issue involved is one and the same in all the cases.

2.The Parliament, with a view to regulate securitization and reconstruction of financial assets and enforcement of security interest and for matters connected therewith and incidental thereto, enacted The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (henceforth, for brevity referred to as the 'SARFAESI Act').

3.Since the legal principle holding the field in no uncertain terms declares that no person, howsoever a wonderful right he has, cannot take possession of immovable property on his own by dispossessing any other person, without recourse to law. Any such dispossession can only take place in accordance with law. Therefore, Banks and Financial Institutions have been finding the process of securing possession of the secured assets very difficult and cumbersome. More than anything else enormous time is consumed by the legal process. To shorten this process and thus avoid hardship to the banks and financial institutions, Section 14 of the SARFAESI Act, has conferred power on the Chief Metropolitan Magistrate or District Magistrate within whose jurisdiction any such secured asset or other documents relating thereto may be situated or found, to take possession thereof, upon a request made to do so by the secured creditor. The exercise to be carried out by the Chief Metropolitan Magistrate or the District Collector under Section 14 of this Act, is virtually to render assistance to the secured creditor to enable him to take possession of the secured asset which can be dealt with by such secured creditor thereafter under sub-section (4) of Section 13 of the Act.

4.It appears that the District Collector, Trichy has been approached by the writ petitioner on 15.04.2015, 08.05.2015, 08.05.2015 and 27.08.2015 respectively and such requests are all received in the Office of the District Collector, Trichy in April and May 2015 respectively, as can be made out from the postal acknowledgments. But however, so far the Collector has not passed any orders and hence, these writ petitions have been filed.

5.In view of the legal regime prevailing, after being satisfied about the genuineness of the claim made, the facts of which are vouched by the Authorised Officer of the secured creditor in the form of an affidavit, the District Collector is required to



pass appropriate orders. Since considerable length of time has already elapsed from the date of receipt of the petition in writing, the District Collector, Trichy is directed to deal with the petitions submitted under Section 14 of the Act, by and on behalf of the petitioner herein and pass appropriate orders within 30 days from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The District Magistrate/District Collector,
Office of the District Collector,
Tiruchirapalli District,
Tiruchirappalli 620001.

+ 4 CC TO Mr.N.ANANDAKUMAR, ADVOCATE IN SR No. 49456, 49455, 49454, 49453

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 49145

SMS

TE/SKS-RR : 21/09/2016 : 3P/7C

Writ Petition (MD) Nos.16383 to 16386 of 2016
31.08.2016