



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE S.MANIKUMAR

W.P. (MD).No.2552 of 2016

State Bank of India,
Rep by its Assistant General Manager & Authorized Officer,
Stressed Assets Management Branch,
1112, Raja Plaza, Avinashi Branch,
Coimbatore 641 037.

.... Petitioner

Vs.

The District Collector,
[District Magistrate],
Theni District, Theni.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent to pass appropriate orders in the petitioner's application dated 18.09.2015 in file Ref.No.34238/2015 submitted under Section 14 of the SARFAESI Act, rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured assets as set out therein.

For petitioner : M/s.Ramalingam and Associates

For respondents : Mr.M.Alagadevan
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr.M.Alagadevan, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent, the Writ Petition is taken up for final disposal.

2. The grievance of the petitioner is that the petitioner had filed a petition on 18 September 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 of the respondent 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.

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3.The learned Special Government Pleader 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 Others.¹

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To

The District Collector,
[District Magistrate],
Theni District, Theni.

+1CC to M/S.Ramalingam & Associates, SR.No. 7545

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