

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

WRIT PETITION No.23361 of 2016

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ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the letter dated 28.12.2015 addressed by the District Collector & Magistrate, Medak at Sangareddy, to the Tahsildar, Narsapur Mandal. This letter is ostensibly an order passed in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'the Act of 2002'). However, the signatory to this letter is not the District Magistrate himself but the District Revenue Officer & Additional District Magistrate, Medak District at Sanga Reddy, who stated that he was signing on behalf of the Collector, Medak. Further, perusal of the impugned letter reflects that there is no compliance recorded as to the requirements of the proviso to Section 14 of the Act of 2002. There is no indication of any affidavit having been filed by the Authorised Officer and the contents thereof meeting the afore-stated requirements. There is also no recording of satisfaction of the District Magistrate in this regard as mandated by **Standard Chartered Bank v. V. Noble Kumar**^[1].

Sri Podila Hari Prasad, learned counsel for the respondent bank, fairly admits that the impugned letter does not reflect due compliance with the afore-stated mandate.

In that view of the matter, we have no hesitation to hold that the impugned letter dated 28.12.2015 which purports to have been issued in exercise of power under Section 14 of the Act of 2002 cannot be sustained. The same is accordingly set aside. The writ petition is allowed. This order shall however not preclude the respondent bank

from initiating measures afresh under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. B. SIVA SANKARA RAO, J

Date:15.07.2016

Note:

Furnish C.C. by 18.07.2016.

(B/o)

GJ

[\[1\]](#) (2013) 9 SCC 620