

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH,
AND
THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.NO.7551 OF 2017

M/s.State Bank of India,
Stressed Assets Managment Branch,
Raja Plaza, First Floor, No.1112,
Avinashi Road, Coimbatore-641 037,
rep. by its Chief Manager

... Petitioner

Versus

1. The District Collector,
(District Magistrate),
Tiruppur District, Tiruppur.
2. The Asst.Collector,
Tiruppur District.
3. The Tahsildar,
Avinashi Taluk,
Tiruppur District.
4. The Superintendent of Police,
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to forthwith take physical possession of the secured asset in compliance of the orders of the first respondent in Ref.6853/2016/C3 dated 10.2.2017 and 4.3.2017 without in any manner seeking to adjudicate or raise issues and thereby rendering necessary assistance to the petitioner to take vacant physical possession of the secured assets as set out therein.

For Petitioner : Mr.P.Elayaraj Kumar for
M/s.Ramalingam & Associates

For Respondents : Mr.P.S.Sivashanmuga sundaram,
Special Government Pleader

ORDER

(Order of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the respondents to forthwith take physical possession of the secured asset in compliance of the orders of the first respondent in Ref.6853/2016/C3 dated 10.2.2017 and 4.3.2017 without in any manner seeking to adjudicate or raise issues and thereby rendering necessary assistance to the petitioner to take physical possession of the secured assets as set out therein.

2. It appears that pursuant to the proceedings of the District Collector, Tiruppur, dated 10.2.2017, the Sub Collector, Tiruppur, vide proceedings dated 10.4.2017, pointed out certain discrepancies and due to the same, it could not be possible to proceed ahead with taking possession of the properties and handing over the same to the petitioner bank and in such circumstances, the concerned bank may be directed to file a fresh affidavit after rectification of errors/deviations so as to proceed under Section 14 of the SARFAESI Act.

3. In view of the above, we do not find any merit to entertain the writ petition. Since there were discrepancies noted by the Office of the Sub Collector, Tiruppur, it is now for the petitioner to file a fresh petition after rectifying the errors/deviations pointed out by the Sub Collector, Tiruppur vide proceedings dated 10.4.2017.

Accordingly, this Writ Petition is disposed of, directing the petitioner to file a fresh petition under Section 14 of the SARFAESI Act, after rectifying the errors/deviations pointed out by the Sub Collector, Tiruppur vide proceedings dated 10.4.2017. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Suk

To

1. The District Collector,
(District Magistrate),
Tiruppur District, Tiruppur.

2. The Asst.Collector,
Tiruppur District.

3. The Tahsildar,
Avinashi Taluk,
Tiruppur District.

4. The Superintendent of Police,
Tiruppur District.

+1cc to M/s.Ramalingam & Associates, Advocate, S.R.No.25042
+1cc to the Government Pleader, S.R.No.24689

+1cc to M/s.Ramalingam & Associates, Advocate,
S.R.No.25042 (03.08.2017)

W.P.NO.7551 OF 2017

CA (CO)
CA(27/07/2017)



WEB COPY