

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.3.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.4700 of 2017

The Authorised Officer/
Chief Manager
Bank of Baroda
Thudiyalur Branch
Coimbatore 641 034.

.. Petitioner

Vs.

The District Collector
Coimbatore District
Coimbatore 641 018.

.. Respondent

Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the respondent to pass
orders on the application filed by the petitioner Bank on
24.5.2016 under Section 14 of the SARFAESI Act by appointing a
Liaison Officer for the purpose of taking possession of the
secured assets.

For Petitioner : Mr.S.Pandurangan

For Respondent : Mr.T.N.Rajagoplan
Spl. Govt. Pleader

सत्यमेव जयते

O R D E R

(Made by the Hon'ble Acting Chief Justice)

The petitioner seeks a writ of Mandamus directing the
respondent to pass orders on the application filed by the
petitioner Bank on 24.5.2016 under Section 14 of the SARFAESI
Act by appointing a Liaison Officer for the purpose of taking
possession of the secured assets.

2. Heard the learned counsel for the petitioner. Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the respondent.

3. The petitioner Bank declared the loan account of the borrower, namely M/s. Sri Raam Chamber Brick, as Non Performing Asset since repayment of loan was not made regularly and thereafter, issued notice under Section 13(2) of the SARFAESI Act to the borrowers calling upon them to pay the loan amount with interest. Since the borrowers did not make any attempt to pay the outstanding amount, the petitioner Bank took symbolic possession of the secured assets exercising the rights conferred under Section 13(4) of the SARFAESI Act. Thereafter, though the petitioner Bank attempted to sell the secured assets through public auction, it could not fructify for want of vacant possession of the properties. Therefore, the petitioner Bank filed a petition on 24.5.2016, under Section 14 of the SARFAESI Act to the respondent for granting police aid to take physical possession of the secured assets and to break open the lock and to take inventory, followed by a reminder dated 14.10.2016. But, till date, no order has been passed by the respondent forcing the petitioner to come up with this writ petition.

4. The learned counsel for the petitioner Bank contended that the inaction on the part of the respondent in passing necessary orders on the petition of the petitioner Bank, filed under Section 14 of the SARFAESI Act, even after expiry of nine months, would put the petitioner Bank to irreparable loss and untold hardship and therefore, he seeks a direction to the respondent to pass orders on the petition of the petitioner Bank within a stipulated time.

5. In view of the foregoing facts and circumstances of the case, we are of the considered opinion that a direction must be issued to the respondent to pass orders on the petition filed under Section 14 of the SARFAESI Act. Accordingly, we dispose of the writ petition with a direction to the respondent to consider the petition filed by the petitioner Bank under Section 14 of the SARFAESI Act and to pass necessary orders, within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kpl

To

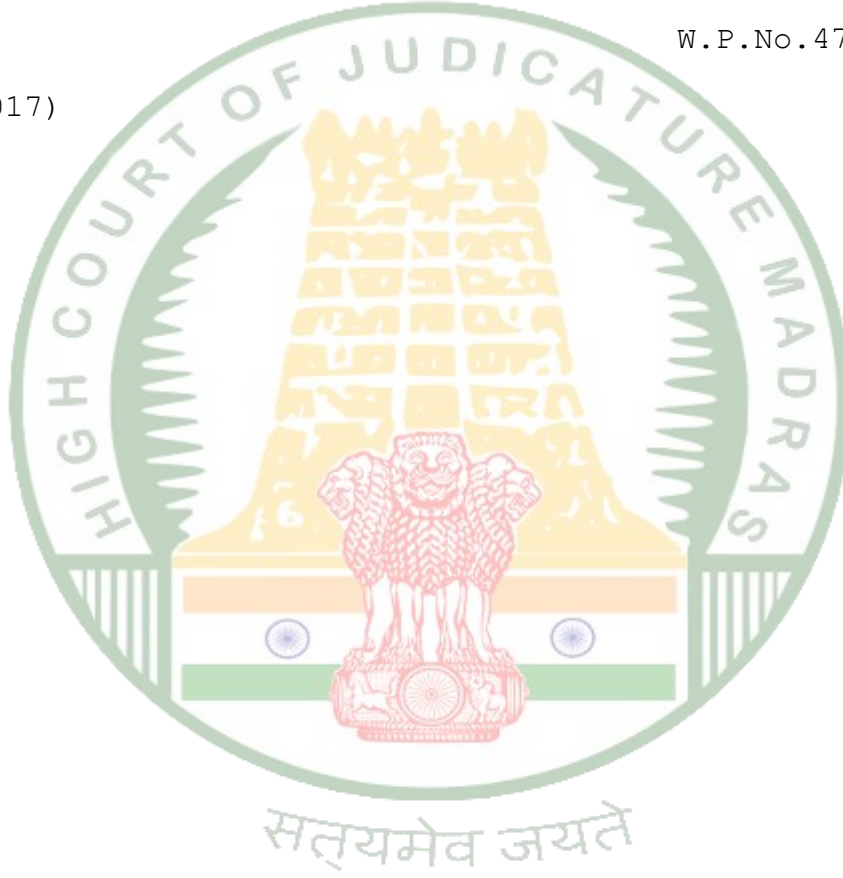
The District Collector
Coimbatore District
Coimbatore 641 018.

+1cc to Mr.Mohan,Advocate sr.13910

+1cc to Government Pleader sr.14256

W.P.No.4700 of 2017.

mg(co)
ss(21/3/2017)



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