

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.30904 of 2017

M/s.Shriram Housing Finance Ltd.,
Rep. By its Authorised Officer,
Mrs.Asha Lukose.

... Petitioner

vs.

1. The District Collector/Magistrate,
Puducherry.

2. Mr.Kanagaraj

3. Mr.Palaniraj

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the 1st respondent to pass orders on the petition filed on 31.01.2017 u/s. 14(1) of SARFAESI Act, within the time stipulated by this Honourable Court.

For Petitioner : Mr.M.Ajmal Azzath

For Respondents : Mr.C.T.Ramesh (for R1)
Government Pleader (Pondy)

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

M/s.Shriram Housing Finance Limited, represented by its Authorised Officer, Chennai, has filed an application dated 31.01.2017 under Section 14 of the SARFAESI Act, 2002, seeking assistance from the District Collector/Magistrate, Puducherry, to take possession of the following property.

"All that piece and parcel of land comprised in RS.No.17/37, Cadastre No.629 PART measuring 2952 square feet, situated at Sorapattu village Bounded on the

North of : Kalari Poromboke
South of : Arumugam Pillai Thottam
East of : Anaiyyapa Coundar Plot
West of : Gnanamani Pandithar Plot

This property is situated at Sorapattu Revenue Village, within the sub-Registration District of Thirukkanur and Registration District of Puducherry."

2. Contending inter alia that no orders have been passed so far, and left with no other alternative remedy, instant writ petition has been filed for a mandamus, to pass orders on the petition filed on 31.01.2017 under Section 14(1) of SARFAESI Act.

3. Respondents 2 and 3 are the borrowers. As per Section 14 of the SARFAESI Act, 2002, District Collector/District Magistrate, is bound to pass orders. Statute cast a duty on the said authority. Therefore, notice is waived to respondents 2 and 3.

4. On this day, when the writ petition came up for admission, on instructions, Mr.C.T.Ramesh, learned Government Pleader (Pondy) submitted that orders are yet to be passed in the application filed under Section 14 of the SARFAESI Act, 2002 and he prayed for six weeks time.

5. Section 14 of the SARFAESI Act, 2002 mandates that on receipt of an affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit, pass suitable orders for the purpose of taking possession of the secured assets, within a period of 30 days from the date of application. Proviso to the said Section states that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate, within the said period of thirty days, for the reasons beyond his control, he may after recording reasons, in writing, for the same, pass the order within such also period but not exceeding in aggregate 60 days.

6. Placing on record the submission of the learned Government Pleader (Pondy) and the provisions stated supra, this Court is inclined to pass the following orders,

"The District Collector/Magistrate, Coimbatore, is directed to dispose of the application dated 31.01.2017, if not done earlier, within a period of six weeks, from the date of receipt of a copy of this order. While doing so, District Collector/Magistrate, Puducherry, should act in accordance with Section 14 of the SARFAESI Act, 2002."

7. With the above observation and direction, this writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ars

To

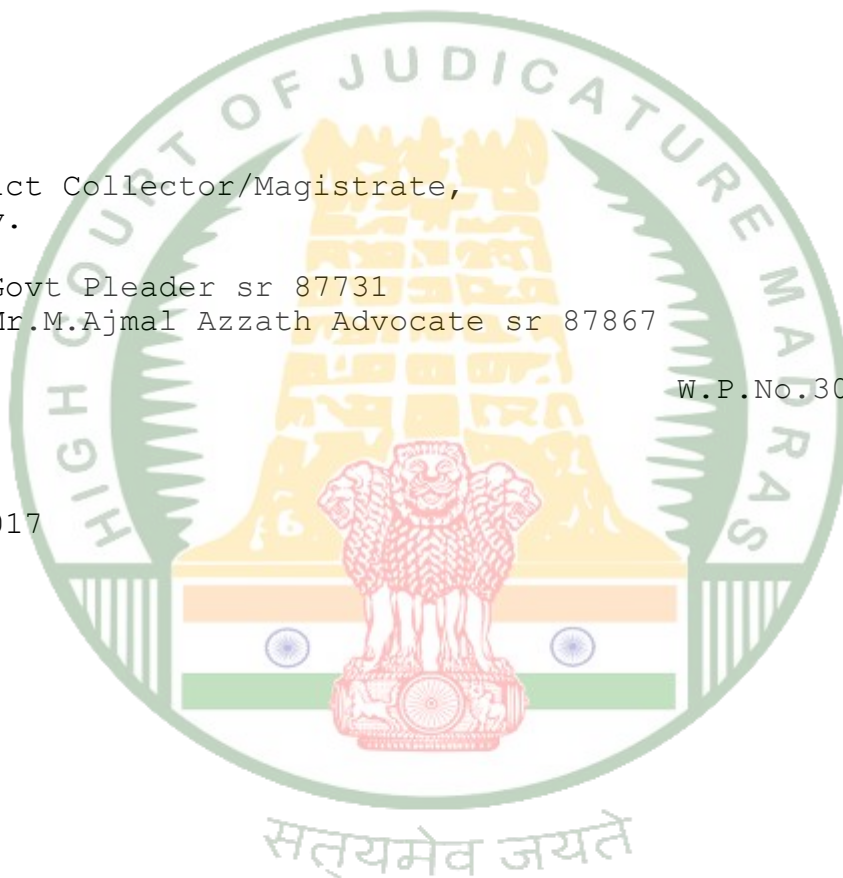
The District Collector/Magistrate,
Puducherry.

+1 cc to Govt Pleader sr 87731

+1 cc to Mr.M.Ajmal Azzath Advocate sr 87867

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