

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20967 of 2017
and W.M.P.No.21856 of 2017

The Authorised Officer / Chief Manager,
Bank Of Baroda,
Peelamedu Branch,
Coimbatore District - 641 004 ... Petitioner

vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Thasildhar,
Sulur Taluk,
Coimbatore District. Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the first respondent to pass orders on the application filed by the petitioner bank on 30.11.2016 under Section 14 of the SARFAESI Act by authorizing / appointing any of his subordinate officers for the purpose of taking possession of the secured Assets.

For Petitioner : Mr.S.Pandurangan

For Respondents : Mr.K.V.Dhanapalan,
Special Government Pleader.

ORDER

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

Pursuant to an application No.421 of 2011 dated 18.11.2016 filed under Section 14 of the SARFAESI Act, 2002, seeking for assistance, to take possession of the secured assets, morefully described in the said application, District Magistrate-cum-

District Collector is stated to have issued proceedings in R.C.No.245/2016/c1, dated 20.12.2016, to the Tahsildar, Sulur Taluk, Coimbatore, for certain details.

2. Contending inter alia that the statute casts a duty on the District Magistrate cum District Collector to pass orders under Section 14 of the SARFAESI Act, 2002, within a specified period and that the same has not been done, Authorised Officer/Chief Manager, Bank of Baroda, Peelamedu Branch, Coimbatore District, has filed the instant writ petition, for a mandamus, directing the first respondent to pass orders on the application filed by the petitioner bank on 30.11.2016 under Section 14 of the SARFAESI Act by authorizing / appointing any of his subordinate officers for the purpose of taking possession of the secured Assets.

3. Heard Mr.S.Pandurangan, learned counsel for the petitioner and perused the materials available on record.

4. Mr.K.V.Dhanapalan, learned Special Government Pleader, appearing for the respondents submits that a direction to that effect may be issued to the first respondent, if orders are not already passed.

5. Accordingly, without expressing any opinion on the merits of the case, we direct the first respondent to take up the matter, if not disposed of earlier, and decide the same in accordance with law, and on its own merits, as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order. The first 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 recent judgment of the Supreme Court in Vishal N.Kalsaria Vs. Bank of India and Others, reported in (2016) 3 SCC 762

6. The writ petition stands disposed of with the above directions. No costs. Consequently, the connected Writ Miscellaneous petition is closed.

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Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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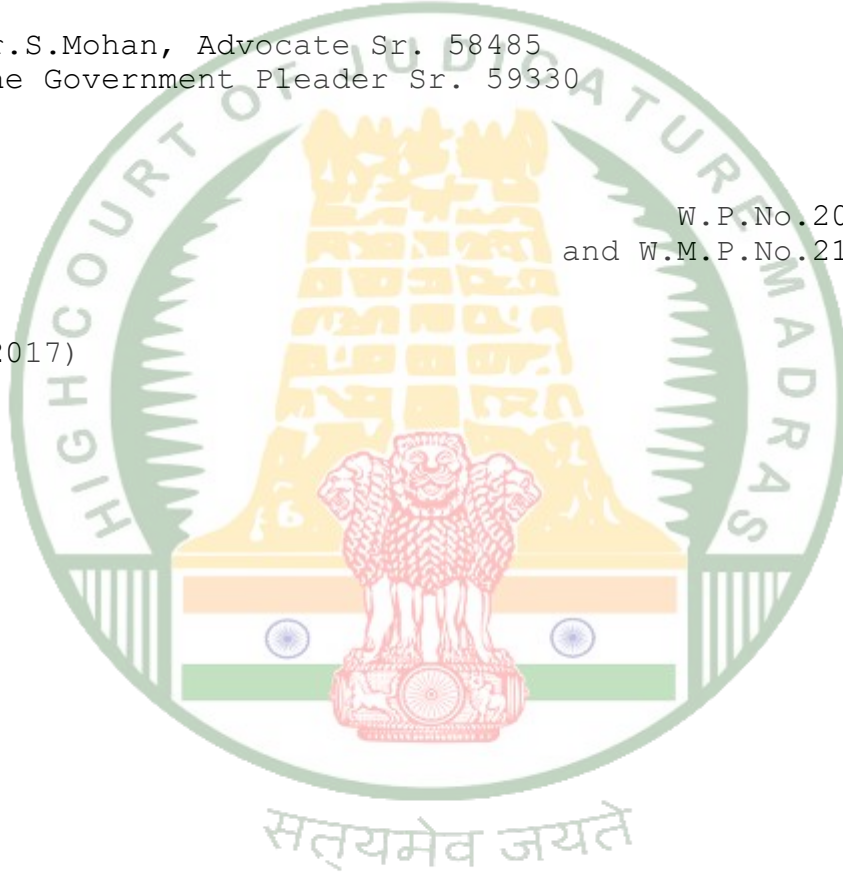
To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Thasildhar,
Sulur Taluk,
Coimbatore District.

+1cc to Mr.S.Mohan, Advocate Sr. 58485
+1cc to the Government Pleader Sr. 59330

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VGI (CO)
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