

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.02.2017

Coram:

The Hon'ble Mr. Justice HULUVADI G.RAMESH

AND

The Hon'ble Dr. Justice ANITA SUMANTH

Contempt Petn.Nos.2185 to 2187 of 2016

HDFC Bank Ltd,
(formerly known as Centurion
Bank of Punjab Ltd.)
represented by its authorised
Officer/Legal Manager
Mr.J.Neethirajan,
No.110, Ceebros Buildings, IV Floor,
Nelson Manickam Road,
Aminjikarai,
Chennai 600 029.

.. Petitioner

Versus

Tmt.E.Sundaravalli, I.A.S.,
The District Collector cum District Magistrate,
Thiruvallur District,
Thiruvallur.

.. Respondent

Prayer: Contempt Petitions filed under Section 11 of
Contempt of Courts Act, praying to punish the respondent for
his wilful disobedience of the common order dated 02.09.2015
of this Court in W.P.No.27486, 27487 and 27488 of 2015
respectively for committing contempt of Court.

For Petitioner .. Mr. D.Sathyaraj

For Respondent .. Mr.P.S.Sivashanmuga Sundaram,
Special Govt. Pleader

COMMON ORDER

(Order of the Court was made by Hulumadi G.Ramesh, J.)

These contempt petitions are initiated by the Petitioner Bank against the respondent/District Collector cum District Magistrate, Thiruvallur to punish her for her wilful disobedience of the common order dated 2.9.2015 passed by this Court in W.P.Nos.27486 to 27488 of 2015, for committing contempt of Court.

2. The Division Bench of this Court, disposed of the Writ Petitions in W.P.Nos.27486 to 27488 of 2015, by a common order dated 2.9.2015 directing the respondent therein to consider the petitioner's applications dated 3.4.2014, 7.7.2014 and 17.4.2014 respectively and dispose of the same in accordance with law within a period of eight weeks from the date of receipt of a copy of the order therefrom and the respondent was also directed to verify whether there was any tenancy or lease existing in respect of the secured asset and if so, the same has to be considered in the light of the judgment of the Supreme Court in *Harshad Govardhan Sondagar vs. International Assets Reconstruction Company Ltd. and others.*

3. Today, when the matter is taken up for consideration, learned Special Govt. Pleader appearing for the respondent drew the attention of this court to the affidavit filed by the respondent stating that pursuant to the order of this Court dated 2.9.2015, an enquiry was conducted on 2.12.2016, wherein, the representative of the petitioner Bank sought four weeks time to produce some relevant documents as they have to be retrieved from the Central Processing Unit. Pursuant thereto, the petitioner Bank was again called for an enquiry on 9.12.2016, on which date, the petitioner Bank requested further two weeks time and finally the enquiry was fixed on 30.12.2016, on which date also, the petitioner Bank has not submitted any documents as requested.

4. It was further stated in the affidavit that after perusing the entire documents filed by the petitioner Bank, the respondent herein has directed the Tahsildar, Maduravoyal to take over the possession and hand over the same to the authorised officer of the petitioner Bank. Accordingly, on 28.1.2017, as per the request of the petitioner Bank that to take over the possession of a part of the entire property due to borrower's request, the Tahsildar along with his Subordinates took over possession

of property situated in Old S.No.206/1C, New S.No.206/6A, Patta No.2943, having extent of 2637 along with building, S.No.206/7, 3645 sq.ft., out of 22 cents, 206/7, S.No.206/6B measuring 4977 sq.ft. along with building and vacant land situated in S.No.206/7 measuring 4177 sq.ft. out of 22 cents in Wireless Station Road, Porur Village, Maduravoyal Taluk, Tiruvallur District (except the first and second floor of the building) and handed over the same to the petitioner Bank.

5. It is further stated in the affidavit that with regard to property situate in S.No.145/3, T.S.No.191,2,3 Ward C, Block-5, Plot No.4,5,6,7, Varadharaja Perumal Nagar, Tiruvottiyur Taluk and Tiruvallur District, an enquiry was conducted on 30.12.2016 and as the petitioner Bank has not produced any documents in connection with loan including sale certificate, the respondent rejected the plea of the petitioner and directed the petitioner Bank to prefer fresh petition with relevant documents.

6. Further, it was stated in the affidavit that with respect to property situate in S.No.559/B, Gummidipoondi Village and Taluk, Tiruvallur District, the Tahsildar, Gummidipoondi Taluk in his report Rc.No.177/2017/A4 dated

23.1.2017, has reported that the entire original records have been verified and land in question has been inspected and perusal of all the relevant documents ascertained that the secured assets situated in S.No.559/B of Gummidipoondi Village and Taluk, is classified as "Sathiram Poramboke", hence taking possession of the secured asset could not be complied with and accordingly, the request of the secured creditor was rejected.

7. Therefore, the learned Special Govt. Pleader would submit that the respondent has not committed any wilful act of contempt over the order passed by the Honourable Division Bench of this Court. Hence, he prayed for dismissal of this petition.

8. From a perusal of the affidavit, it is seen that a part possession of the property with respect to Cont.P.No.2185 of 2016 (arising out of W.P.No.27486 of 2015) has been handed over to the authorised officer of the petitioner Bank as per the request of the Petitioner Bank. Recording the same, Cont.P.No.2185 of 2016 is closed.

9. Further, it is seen that with respect to the property in respect of Cont.P.No.2186 of 2016, (arising out of W.P.No.27487 of 2015), though the respondent conducted enquiry on 30.12.2016, the petitioner Bank has not produced relevant documents in connection with the loan transaction including the sale certificate, due to which the respondent rejected the plea of the petitioner with a direction directing the petitioner Bank to come up with fresh application. Therefore, it is seen that the respondent has not committed any wilful disobedience over the order passed by this Court, hence the Cont.P.No.2186 of 2016 is closed.

10. With respect to the property pertaining to Cont.P.No.2187 of 2016 (arising out of W.P.No.27488 of 2015), the property is said to be classified as Sathiram poramboke and the difficulty expressed by the Revenue right from the Tahsildar to District Collector, the respondent herein cannot be acted upon at the instance of the secured creditor. Therefore, it is for the petitioner to have a **request to some other mode**. With the above observation, Cont.P.No.2187 of 2016 is closed.

11. According, With the above observations, all these contempt petitions are closed.

msr

SD/-
JOINT REGISTRAR(OS) (i/c)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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DK/CO/10/11/2017

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Tmt.E.Sundaravalli, I.A.S.,
The District Collector cum District Magistrate,
Thiruvallur District,
Thiruvallur.

one cc to the Govt.Pleader, High Court,SR.No.1669/17