

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.Nos.32697 to 32699 of 2017

M/s.Reliance Home Finance Limited,
Represented by it's Authorised Officer,
Mr.Senthilkumar Murugesan,
Reliance House, 4th Floor,
No.5, Haddows Road, Nungambakkam,
Chennai - 600 006. ...Petitioner
in all WPs

vs.

District Magistrate (District Collector),
Chinna Ekkadu, Jaya Nagar,
Thiruvallur District,
Thiruvallur, Pin - 602001. ...Respondent
in W.P.Nos.32697 &
32698 of 2017

District Magistrate (District Collector),
District Collector Officer,
Collectorate,
Kancheepuram - 631 501 ...Respondent
in W.P.No.32699 of 2017

Common Prayer: WRIT Petitions filed under Article 226 of the
Constitution of India, praying for the issuance of a writ of
Mandamus, directing the respondent to dispose of the petition
filed by the petitioner under Section 14 of the SARFAESI Act
2002, which has been seized by the respondent as Petition R.C.
Nos.12441/2017/M2, 2017/9005/01/588163/0163 and
2017/9005/03/551342/0530 dated 29/05/2017, 13/06/2017 and
30/05/2017 respectively, as expeditiously as possible as per
Section 14 of the SARFAESI Act 2002.

For Petitioner: Mr.V.Jeevan Ram

For Respondents: Mr.M.Elumalai
Government Advocate

COMMON ORDER

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

For taking physical possession, M/s.Reliance Home Finance
Limited, represented by its authorised officer, Chennai has
filed applications, dated 29/05/2017, 13/06/2017 and
30/05/2017 respectively, under Section 14(1) of the SARFAESI

Act, 2002, to the District Magistrate (District Collector) Thiruvallur District and Kancheepuram District, respondent herein. As the abovesaid applications are pending for the last six months, the petitioner has sought for a writ of mandamus, directing the respondents, to pass orders.

2. On this day, when the writ petitions came up for admission, on instructions, from the Office of the District Magistrate (District Collector) Thiruvallur District and Kancheepuram District, Mr.M.Elumalai, learned Government Advocate submitted that orders are yet to be passed in the applications, filed under Section 14(1) of the SARFAESI Act, 2002. Enquiry is yet to be completed and he prayed for four weeks time.

3. 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 applications. 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.

4. The Principal Secretary to Government, vide, Letter No.19498/Res.II/2014-1, dated 09.07.2014, has issued directions, stating that there should be speedy disposal of the applications filed under Section 14 of the SARFAESI Act. The said letter is extracted hereunder:-

"I am to invite your kind attention to the reference cited (copy enclosed) wherein the GM, SLBC, Chennai, has requested to advise the District Collectors (District Magistrates) for speedy disposal of applications filed by banks to assist in taking possession of securities of the defaulters charged to the banks under Section 14 of SARFAESI Act, 2002.

2. In this connection, I am to request you to take necessary action for speedy disposal of the applications filed by the banks in taking possession of securities of the defaulters charged to the banks under Section 14 of SARFAESI Act, 2002, without affecting the image of the administration."

5. Following the said letter, in W.P.No.7813 of 2016, dated 22.04.2016, a Hon'ble Division Bench of this Court, has passed the following order:-

"In the light of the above, we direct the District Collector (District Magistrate), Thanjavur District, to pass orders on the Application dated 18/8/2015 in file Ref.No.34810/2015, filed under Section 14 of the SARFAESI Act, within the period of two months from the date of receipt of a copy of this order. While doing so, procedure set out under Section 14 of the Act should be followed. Mr.B.Kumar, learned Additional Government Pleader is directed to forward the copy of this order to the Principal Secretary to Government, Finance (Res.II), Department, Chennai for appropriate follow up action. 10. Along with the supporting affidavit, to the instant writ petition, the petitioner has also enclosed the copies of the petitions, dated 8/1/2014, 7/5/2014, 11/9/2014, 24/12/2014 and 31/1/2015, filed under Section 14 of the SARFAESI Act, 2002."

6. Placing on record the submission of the learned Government Advocate and in the light of the directions issued by the Principal Secretary to Government, vide, Letter No.19498/Res.II/2014-1, dated 09.07.2014 and the earlier order of this Court in W.P.No.7813 of 2016, dated 22.04.2016, this Court is inclined to pass the following orders:-

"The District Magistrate (District Collector) Thiruvallur District and Kancheepuram District, is directed to dispose of the applications dated 29/05/2017, 13/06/2017 and 30/05/2017 respectively, if not done earlier, within a period of four weeks, from the date of receipt of a copy of this order. While doing so, District Magistrate (District Collector) Thiruvallur District and Kancheepuram District, should act in accordance with Section 14 of the SARFAESI Act, 2002."

7. With the above observation and direction, these writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS--iv)

//True Copy//

Sub Assistant Registrar

dm/mvs

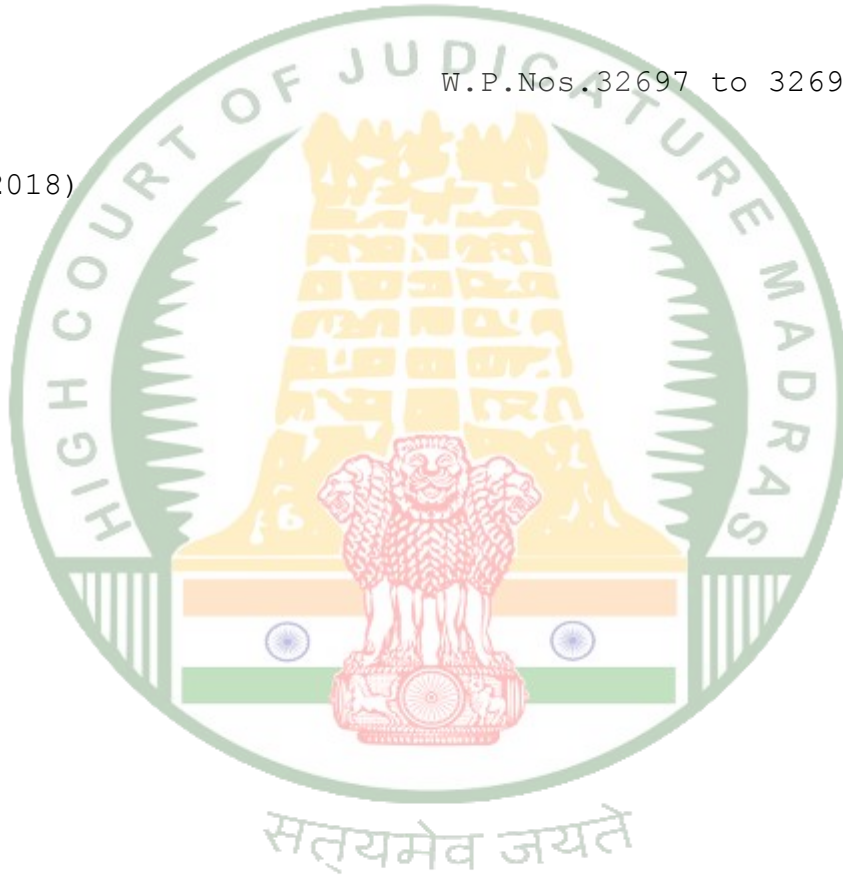
To

The District Collector/Magistrate,
Coimbatore collectorate,
Coimbatore - 641 041.

+ 1 cc to Mr. Government Pleader Sr.90858
+ 3 ccs to Mr. R. Krishnakumar, Advocate SR.89971 to 89973

W.P.Nos.32697 to 32699 of 2017

cs-iv
EU(29/01/2018)



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