

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM :

The Hon'ble Mr.Justice HULUVADI G. RAMESH

AND

The Hon'ble DR.JUSTICE S.VIMALA

W.P. No.14583 of 2017

Vijaya Bank
Egmore Branch, Chennai 600 008,
Rep. By its Authorised Officer. Petitioner

-vs-

1.The District Collector,
Thaiyar Kulam, Kancheepuram 631 501.
2.The Sub Collector,
Kancheepuram. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to pass an order in the petition filed by the petitioner under Sec.14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as amended on 30.08.2016 to take possession of the secured asset morefully set out in the said petition and forward the same to the petitioner.

For Petitioner : Mr.G.Bharadwaj

For Respondents : Mrs.A.Srijayanthi, Spl.G.P.

O R D E R

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

Mrs.A.Srijayanthi, learned Special Government Pleader, is directed to take notice on behalf of the respondents.

2.This petition is filed seeking a direction to the respondents to pass orders on the petition filed by the petitioner / Bank under Section 14 of the Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the SARFAESI Act'), to take physical possession of the subject property, i.e., land and building measuring 42045 sq.ft. out of 2.87 acres in S.No.1507, Sriperumbudur Village and Taluk.

3.It appears that on 24.01.2013, M/s.Le Waterina Resorts and Hotels Ltd. availed Secured loan of Rs.11 crores and Cash Credit loan of Rs.1 crore by depositing the title deeds of the aforesaid property and inter alia creating an equitable mortgage in favour of the petitioner/bank. As the borrower committed default in repayment, the loan accounts were declared as Non-Performing Assets on 31.03.2015 and therefore, proceedings under the Sarfaesi Act were initiated. In pursuant to the notices under Sections 13 (2) and 13(4) of the Sarfaesi Act, symbolic possession of the mortgaged property was taken by affixing possession notice on 06.10.2015. Since there was no progress on the part of the borrower for repayment of the loan even thereafter, the petitioner sent a petition under Section 14 of the Sarfaesi Act on 30.08.2016 to the first respondent / District Collector for taking physical possession and to sell the property by auction. The first respondent, vide proceedings dated 09.01.2017 authorized the second respondent to take necessary action. However, no action has been taken till date. Despite three reminders sent by the petitioner, the first respondent is yet to pass orders on the petition. Hence, the petitioner has approached this Court.

4.Heard both sides.

5.In view of the aforesaid facts and circumstances, the first respondent / District Collector, after holding a preliminary enquiry of the principal borrower and the petitioner/bank, shall pass a suitable order in the matter for recovering possession of the subject property, as expeditiously as possible.

6.The Writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To

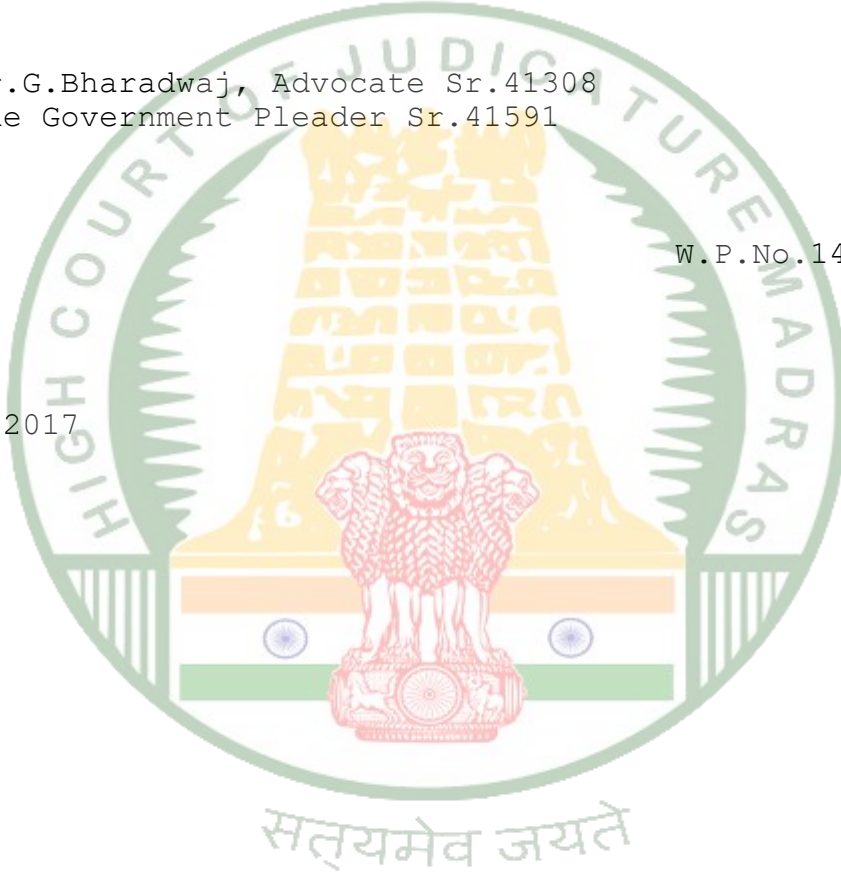
1.The District Collector,
Thaiyar Kulam, Kancheepuram 631 501.

2.The Sub Collector,
Kancheepuram.

+1cc to Mr.G.Bharadwaj, Advocate Sr.41308
+1cc to the Government Pleader Sr.41591

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