

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25499 of 2017

Punjab National Bank
Asset Recovery Management Branch
448-A, Dr.Nanjappa Road
Coimbatore - 641 018
Represented by its Authorised Officer Petitioner

Vs.

The District Collector/
District Magistrate
Tirupur District
Tirupur Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent to pass appropriate orders in the application dated 15.07.2015 submitted under Section 14 of the SARFAESI Act on behalf of the petitioner and rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured assets as set out therein.

For Petitioner : Mr.K.Ilaya Rajkumar
for M/s.Vastlaw Associates

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

O R D E R
(made by S.MANIKUMAR, J.)

Seeking assistance for taking possession, an application under Section 14 of the SARFAESI Act, 2002 dated 15.07.2015 has been filed before the District Collector and District Magistrate, Tiruppur. As application was not disposed of, instant writ petition has been filed for a Mandamus, directing the said authority/respondent, to pass appropriate orders in the application dated 15.07.2015 submitted under Section 14 of the SARFAESI Act, 2002 on behalf of the petitioner, and to render necessary assistance to the petitioner, in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets, set out therein.

2. On instructions, Mr.K.V.Dhanapalan, learned Special Government Pleader, submitted that, upon receipt of the abovesaid application, District Magistrate cum District Collector, Tiruppur District, vide letter dated 14.03.2017 has sought for certain clarifications, from Punjab National Bank, ARM Branch, Coimbatore. According to the learned Special Government Pleader, clarifications are yet to be furnished. He further submitted that, within four weeks from the date of receipt of clarifications from the bank, orders would be passed.

3. Mr.K.Ilaya Rajkumar, learned counsel, representing the petitioner/Punjab National Bank, submitted that he is not aware of the subsequent developments. He further submitted that, within three weeks from today, requirements under Law sought for, would be furnished to the District Collector and District Magistrate, Tiruppur District.

4. Placing on record the above submission, Authorised Officer, Asset Recovery Management Branch, Punjab National Bank, petitioner herein, is directed to furnish the details sought for, to the District Collector and District Magistrate, Tiruppur, within three weeks from today, and on receipt of such clarification, District Collector and District Magistrate, Tiruppur District, is directed to pass orders on merits and in accordance with Section 14 of the Act. At this juncture, this court deems it fit to extract a letter dated 11.08.2017 of the Secretary to Government (Expenditure).

"Finance (Res.II) Department,
Secretariat,
Chennai - 9.

Letter No.32082/Fin/Res.II/2017, dated 03.08.2017

From
Thiru M.A. Siddique, IAS,
Secretary to Government (Expenditure)

To
All District Collectors (w.e.)

Sir/Madam,

Sub: SARFAESI Act, 2002 - Action of District Collectors being Chief Metropolitan Magistrate / District Magistrate under Section 14, appropriate file Action requested - Reg.

Ref: Letter received from the Zonal Manager of Indian Bank, Zonal Office - DDDC Building, 1st Floor, 91, Pennagaram Road, Dharmapuri - 636 701, dated 28.06.2017 addressed to the CS to Government of Tamil Nadu.

I am to invite your attention to the reference cited, received from the Zonal Manager, Indian Bank in connection with taking appropriate action under Section 14 of the SARFAESI Act, 2002.

2. As per Section 14 of the SARFAESI Act, 2002, the Authorised officer of lending banks can approach the District Collectors being CMM/DM, by filing an application to take actual possession/Control over the property of the NPA. According to the Act, the District Collectors are supposed to act on that application within a period of 30 days for the purpose of taking possession by lending banks. Therefore, I am to request you to take immediate action as per the SARFAESI Act without any delay.

3. I am also request you to acknowledge the receipt of this letter.

Yours faithfully,

For Secretary to Government,

Copy to:

The General Manager, IOB & Governor, SLBC Tamil Nadu, Central Office, 763, Anna Salai, Chennai - 600 002.

The Commissioner of Revenue Administration, Chepauk, Chennai - 5

The Zonal Manager, Indian Bank, Zonal Office - DDDC Building, 1st Floor, 91, Pennagaram Road, Dharmapuri - 636 701."

With the above direction writ petition is disposed of.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

asr

TO

THE DISTRICT COLLECTOR/DISTRICT MAGISTRATE
TIRUPUR DISTRICT, TIRUPUR

+1 C.C. to M/S. Government Pleader SR.No. 71409

+1 C.C. to M/s.Vastlaw Associates Advocate SR.No. 71565

सत्यमेव जयते

W.P.No.25499 of 2017

RK(CO)
T.R (04/12/2017)

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