

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20/2/2017

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice M.Govindaraj

Writ Petition No.2757 of 2017

M/s. State Bank of India
Stressed Assets Management Branch
rep. by its Assistant General Manager
Raja Plaza, I Floor
No.1112 Avinashi Road
Coimbatore 641 037.

... Petitioner

Vs

The District Collector
(District Magistrate)
Tirupur District
Tirupur.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondent, to pass appropriate orders, in the petitioner's application, under Section 14 of the SARFAESI Act, in C.M.P.No.12165 of 2016, dated 14/10/2016, rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets.

For petitioner ... Mr.Omprakash
for M/s.Ramalingam & Associates

For respondent ... Mr.TM.Pappiah
Special Government Pleader

O R D E R

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

State Bank of India, Coimbatore, has sought for a writ of mandamus, directing the respondent, to pass appropriate orders in the petitioner's application, under Section 14 of the

SARFAESI Act, in C.M.P.No.12165 of 2016, dated 14/10/2016, rendering necessary assistance to the petitioner, in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets.

2. On 3/2/2007, we directed Mr.T.M.Pappiah, learned Special Government Pleader, to take notice and get instructions.

3. On instructions, learned Special Government Pleader, submitted that vide Ref.No.6853/2016/C3, dated 10/2/2017, the District Magistrate and District Collector, Tirupur District, has passed the following order:-

"The Authorised Officer/Assistant General Manager of M/s. State Bank of India, SAM Branch, Coimbatore has submitted a petition under Section 14 (1) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, praying for suitable orders/directions to take possession of the schedule mentioned secured assets belonging to M/s. Supreme Cot Spin Mills India (P) Ltd and M/s. Supreme Cot Sizing Industries, represented by its Managing Director and Proprietor Thiru.R.Gopalsamy, No.419/1A, 1C, Vadugapalayam Road, Thekkalur Post, Avinashi Taluk and Director Tmt.G.Jagathambal, No.419/1A, 1C, Vadugapalayam Road, Thekkalur Post, Avinashi Taluk, Tiruppur District, to handover the same to the petitioner Bank, as per the provisions of Sec.14 (1) (a) of the said Act, 2002, in order to realise the defaulted loan Rs.19,42,71,817.24/- from the borrowers.

2. Hence, as per the powers mentioned under Section 14 (1) (a) of SARFAESI Act, 2002, I hereby authorise the Assistant Collector, Tiruppur to peruse and scrutinise the document as mentioned in the schedule of immovable property as per mortgaged, to take symbolic possession and to handover the aforesaid mortgaged assets to the Authorised Officer/Assistant General Manager, M/s. State Bank of India, SAM Branch, Coimbatore, under proper acknowledgement in accordance with Law in force."

4. In view of the above, prayer sought for by the petitioner is no longer exists. Accordingly, this writ petition is dismissed as infructuous. No costs. Copy of the proceedings, dated 10/2/2017, produced before this Court shall be treated as part of the record.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The District Collector
(District Magistrate)
Tirupur District
Tirupur.

+2cc to M/S.Ramalingam Associates, Advocate Sr.10885

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