

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26/2/2018
C O R A M
THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.4232 of 2018

Punjab National Bank
Assets Recovery Management Branch
PNB Pragati Tower
I Floor, Plot No.c-9
Block G, Bandrakurla Complex
Bandra (East)
Mumbai 400 051. Petitioner

Vs

The District Magistrate-cum-District Collector
Tiruppur 641 601. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondent, to expeditiously dispose of the Misc Application No.138/SA/2015 filed under Section 14 of the SARFAESI Act, 2002, to take physical possession of the immovable mortgaged property (secured assets) mentioned in the schedule of properties in the application under Section 14 of SARFAESI Act, 2002.

For petitioner ... Mr.Sunit Kumar Agarwal

For respondent ... Mr.J.Ramesh
Additional Government Pleader

O R D E R

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

Material on record discloses that, Punjab National Bank, Mumbai, has filed a petition, dated 15/2/2017, under Section 14 of the SARFAESI Act, 2002, before the District Collector-cum-District Magistrate, Tiruppur, seeking assistance, for taking possession of the secured asset.

2. Inviting the attention of this Court, to the provisio, to Section 14 of the SARFAESI Act, 2002 that an application filed before the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, has to be disposed of, within a period provided therefor, and contending inter alia that there is no other alternative and efficacious

remedy, except to approach this Court, under Article 226 of the Constitution of India, Mr.Sunith Kumar Agarwal, learned counsel for the Bank has prayed to issue a writ of mandamus, as prayed for.

3. Application filed before the District Collector-cum-Magistrate, seeking assistance, has to be disposed of, as expeditiously as possible, considering the parameters set forth in Section 14 of the SARFAESI Act, 2002.

4. Directions have also been issued by the Principal Secretary to Government, vide letter No.19498/Res.II/2014-1, dated 9/7/2014, that there should be speedy disposal of the application 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. Having regard to the period provided under Section 14 of the SARFAESI Act, and the directions of the Principal Secretary to Government, stated supra, mandamus is issued to the District Collector-cum-District Magistrate, to pass orders, on the petition, dated 15/2/2017, as expeditiously as possible, by not later than three weeks, from the date of receipt of a copy of this order.

6. With the above observation and direction, the writ petition is disposed of accordingly. No costs.

mvs.

Sd/-

Deputy Registrar

//True Copy//

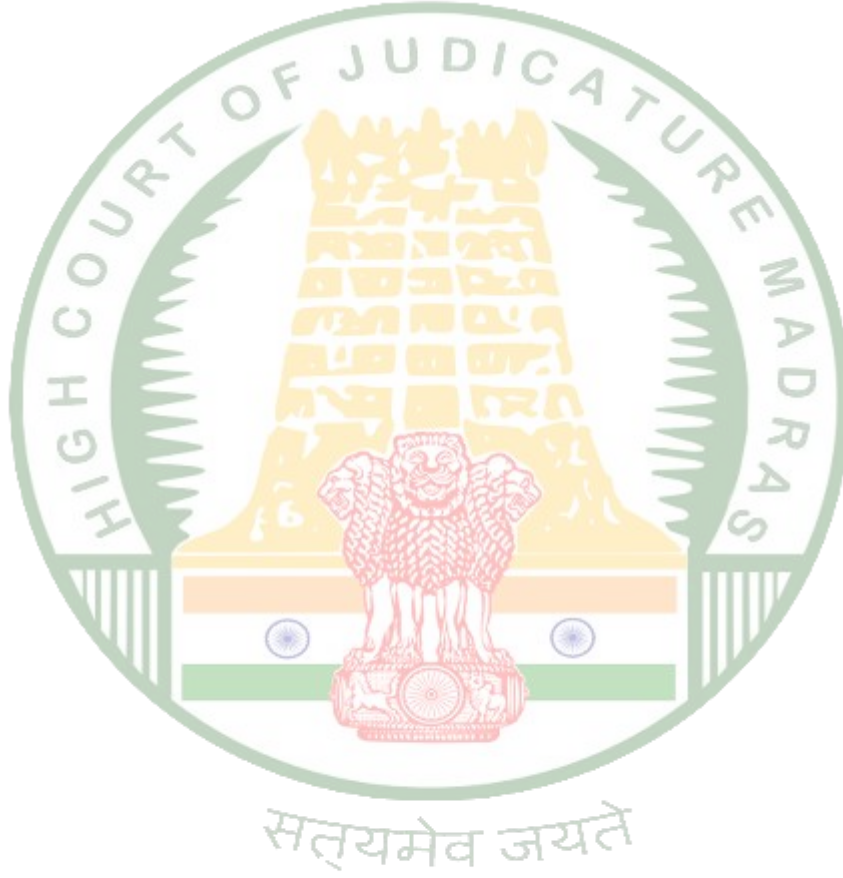
To

The District Collector-cum-District Magistrate
Office of the District Collector
Tiruppur.

+1cc to Government Pleader SR.no.14795

sm:7.3.2018

W.P.No.4232 of 2018



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