

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.7479 of 2018

National Trust Housing Finance Ltd.,
Office at No.1/10, Club House Road,
Subramanian Building, Ground Floor,
Anna Salai, Chennai - 600 002,
Rep. by its Authorized Officer. ... Petitioner

vs.

The District Collector cum District Magistrate,
Office of the Collectorate,
Thiruvallur District, Vellore. ... Respondent

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondent / the District Collector cum District Magistrate of Thiruvallur to provide administrative assistance on an expeditious basis under Section 14 of the Securitization and Reconstructions of Financial Assets and Enforcement of Security Interest Act, 2002, herein after referred and called as the SARFAESI Act, to take possession of the secured assets with respect to the applications filed by the petitioner, which is pending on the file of the respondent.

For Petitioner : Mr.V.Jayachandran

For Respondent : Mr.Sricharan Rangarajan
Additional Government Pleader

ORDER

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

National Trust Housing Finance Limited, Chennai, represented by its Authorised Officer, has sought for a writ of mandamus, directing the District Collector cum District Magistrate, (*) Vellore to provide assistance under Section 14 of the SARFAESI Act, 2002.

2. Supporting the prayer sought for, National Trust Housing Finance Limited, Chennai, has enclosed a copy of the petition undated March 2017. Contending inter alia that no order has been

passed on the said petition, instant writ petition has been filed for the prayer stated supra.

3. On 02.04.2018, when the matter came up for hearing Mr.V.Prabhu, learned Government Advocate took notice on behalf of the respondent. We directed the matter to be listed on 04.04.2018 and thus, it is listed today.

4. Reverting Mr.Sricharan Rangarajan, learned Additional Government Pleader is not in a position to state as to whether any order has been passed or not.

5. Be that as it may, 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 application. 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.

6. 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 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."

7. 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."

8. Therefore, 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 Collector cum District Magistrate, (*) Vellore, is directed to dispose of the application dated __.03.2017, if not done earlier, within a period of three weeks, from the date of receipt of a copy of this order. While doing so, District Collector cum District Magistrate, (*) Vellore, should act in accordance with Section 14 of the SARFAESI Act, 2002."

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

Sd/-

Assistant Registrar(CS VIII)

Dated:13/04/2018

(*)Corrected as per order of this Court dated 01.08.2018 in W.P.No.7479 of 2018

Sd/-

Assistant Registrar(CS-VIII)

Dated:10/08/2018

//True Copy//

Sub Assistant Registrar

ars

To

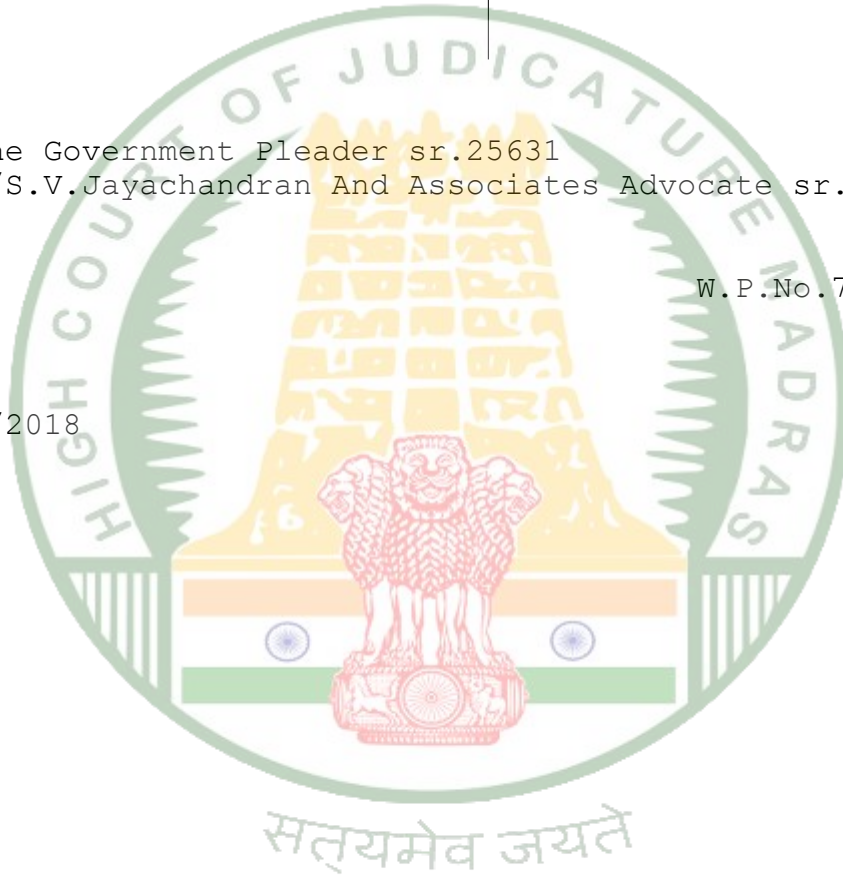
The District Collector
cum District Magistrate,
Office of the Collectorate,
Vellore.

To be substituted to the
order already
despatched on
02/05/2018

+lcc to the Government Pleader sr.25631
+lcc to M/S.V.Jayachandran And Associates Advocate sr.24925

W.P.No.7479 of 2018

rv[co]
srg 11/08/2018



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