

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.7498 of 2018

M/s.Asset Reconstruction Company of India Ltd.,
Rep. by its Chief Manager - Legal,
Registered Office 'The Ruby', 10th Floor,
Senapathi Bapat Marg, Dadar (West),
Mumbai - 400 028.

Also its branch at
1G, 1st Floor, Century Plaza,
No.560-562, Anna Salai,
Teynampet, Chennai - 600 018

... Petitioner

vs.

The District Collector cum District Magistrate,
Kancheepuram,
Office of the Collectorate, Kancheepuram District,
Kancheepuram - 631 501.

... 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 Kancheepuram 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, to take possession of the secured assets with respect to the applications filed by the petitioner,

Sl.No.	Date	Name	Loan Account No.
1	26/12/2013	A.IQBAL	LBCHE00000861427
2	26/12/2013	D.MANI	LBCHE00000366380
3	26/12/2013	L.KANAGASABAI	LBCHE00000642038
4	19/03/2014	RAAJKUMAR V.A.	LBCHE00001639184

<i>Sl.No.</i>	<i>Date</i>	<i>Name</i>	<i>Loan Account No.</i>
5	20/05/2014	D.PURUSHOTHAMAN JOSEPH	LBKR00000928932
6	16/09/2014	V.KANNAN	LBCHE00000758364
7	16/09/2014	P.T.VENKATESAN	LBCHE00000772965
8	16/09/2014	G.THULASIDASS	LBCHE00001289832
9	22/05/2014	BANGALORE MANAGEMENT ACADEMY	130491411 & 1304723383
10	26/12/2014	H.SARALA	LBCHE00001179301
11	26/12/2014	R.USHA KUMARI	LBCHE00000365899
12	26/11/2015	SAKTHI ENTERPRISES	1233550000403
13	11/02/2016	M/S.RISA COLD	716563392
14	26/08/2016	AZZ LOGISTICS INDIA LTD.	06055900000277
15	01/02/2017	G.VAJRAVEL	10261159208
16	01/02/2017	S.PANDIAN	10624981955
17	01/02/2017	R.JEEVA	10299896282

which are pending on the file of the respondent.

For Petitioner : Mr.K.Shankar

For Respondent : Mr.Sricharan Rangarajan
Additional Government Pleader

ORDER

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

M/s.Asset Reconstruction Company of India Limited, Chennai, represented by its Chief Manager-Legal, has sought for a writ of mandamus, directing the District Collector cum District Magistrate, Kancheepuram District, Vellore to provide assistance under Section 14 of the SARFAESI Act, 2002, to take possession of the secured assets with respect to seventeen applications filed by them.

2. Supporting the prayer sought for, M/s.Asset Reconstruction Company of India Limited, Chennai, has enclosed the copies of the petitions. Contending inter alia that no orders have been passed on the said petitions, 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, on the basis of the e-mail dated 2nd April 2018, Mr.M.Sricharan Rangarajan, learned Additional Government Pleader submitted that there are 17 applications. He further submitted that the District Collector cum District Magistrate, Kancheepuram in his e-mail dated 02.04.2018 has stated that the reports have been called for, from the subordinate officers for 12 cases as on date, and after obtaining the reports from them, appropriate orders would be passed. District Collector cum District Magistrate, Kancheepuram has also requested three months time for passing orders.

5. Applications are stated to be pending from 2013. 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. Though, District Collector cum District Magistrate, Kancheepuram District, has sought for three months time, considering the fact that the statute prescribes a period for passing order, same cannot be extended for three years.

7. 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.”

8. 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.”

9. In the light of the statutory provisions and taking note of the pendency of the applications, filed under Section 14 of the SARFAESI Act, 2002, since 2013, we direct the District Collector cum District Magistrate,

Kancheepuram District, to expedite the process, by directing the subordinates to submit the reports immediately, so as to enable him to pass orders within two months from the date of receipt of a copy of this order. Applications filed earlier in point of time or wherever enquiry is completed, be directed to be disposed of immediately.

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

(S.M.K., J.) (V.B.S., J.)
04.04.2018

Index: Yes/No.
Internet: Yes
Speaking/Non speaking

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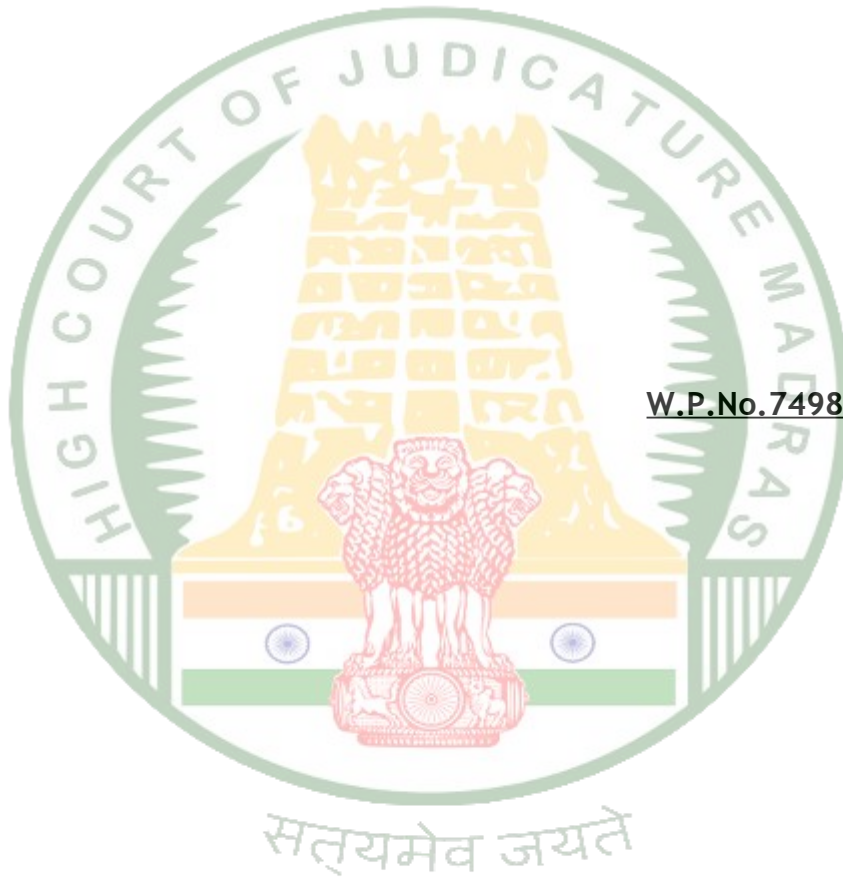
To

The District Collector cum District Magistrate,
Kancheepuram,
Office of the Collectorate, Kancheepuram District,
Kancheepuram - 631 501.

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AND
V.BHAVANI SUBBAROYAN, J.

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