

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/3/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.6477 of 2018

Magma Housing Finance Ltd
rep. by its Authorised Officer
Mr.M.Shiva Sudhaakar
Chennai 600 029.

.... Petitioner

Vs

1. The District Collector
District Collectorate
Coimbatore 641 018.
2. D.K.Jewellery
rep. by its Proprietor
Ms.M.Susila
156 Thiyagi Kumaran Street
Near Gandhi Park
Coimbatore 641 001.
3. M. Susila
4. M. Dinesh Babu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the first respondent, to pass appropriate orders on the petitioner's application under Section 14 of the SARFAESI Act, 2002, forthwith.

For petitioner ... Mr.S.Giridharan

For respondent ... Mr.J.Ramesh
Additional Government Pleader
for R.1.

O R D E R
(Order of the Court was made by S.MANIKUMAR, J)

Material on record discloses that, Magma Housing Finance Limited, Chennai, has filed a petition, dated 20/7/2017, under Section 14 of the SARFAESI Act, 2002, before the District Collector-cum-District Magistrate, Coimbatore, seeking assistance, for taking possession of the secured asset.

2. Inviting the attention of this Court, to the proviso, 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.S.Giridharan, 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 20/7/2017, 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
District Collectorate
Coimbatore 641 018.

+1cc to Mr.S.Giridharan, Advocate, S.R.No.21704
+1cc to the Government Pleader, S.R.No.21847

W.P.No.6477 of 2018

GJ(CO)
CS/05/04/18



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