

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2/3/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.3663 of 2018

Punjab National Bank
rep. By its Authorised Officer
Asset Recovery Management Branch
448 A, Dr. Nanjappa Road
Coimbatore 641 018. ... Petitioner

Vs

The District Magistrate-cum-District Collector
Salem District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondent, to pass appropriate orders in the application submitted under section 14 of the SARFAESI Act on behalf of the petitioner on 2/8/2017 and taken on file by the respondent in Reference Case No.28219/2017-CS for rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets as set out therein.

For petitioner ... Mr.A.V.Arumugam

For respondent ... Mr.E.Manoharan
Government Advocate

O R D E R

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

Material on record discloses that, Punjab National Bank, Coimbatore, has filed a petition, dated 2/8/2017, under Section 14 of the SARFAESI Act, 2002, before the District Collector-cum-District Magistrate, Salem, seeking assistance, for taking possession of the secured asset.

2. Inviting the attention of this Court, to the provision, 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.A.V.Arumugam, 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 2/8/2017, 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-VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

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

+1cc to the Government Pleader, S.R.No. 17440

+1cc to Mr.A.V.ARUMUGAM, Advocate, S.R.No. 16555

W.P.No.3663 of 2018

TR(20/03/2018)

सत्यमेव जयते

WEB COPY