

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/2/2018

C O R A M

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

Writ Petition Nos.3708 to 3711 of 2018

M/s. Aptus Value Housing Finance
India Limited
rep. By its Authorised Officer
Mr.T.Senthil Rajan
Chennai 600 010. ... Petitioner in all the
writ petitions

Vs

The District Collector-cum-
District Magistrate
Kancheepuram Collectorate Office
Kancheepuram. ... Respondent in all
the writ petitions

Writ Petitions filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
mandamus, directing the respondent, to pass necessary and
appropriate orders, on the petitions dated 12/10/2016,
6/6/2017, 18/8/2016 and 24/5/2017, respectively, filed under
Section 14 of the SARFAESI Act, 2002.

For petitioner ... Mr.M.Vinoth Kumar

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

C O M M O N O R D E R

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

Material on record discloses that, Aptus Value Housing
Finance India Ltd., represented by its Senior
Manager/Authorised Officer Mr.T.Senthil Rajan, has filed
petitions, dated 12/10/2016, 6/6/2017, 18/8/2016 and
24/5/2017, respectively, under Section 14 of the SARFAESI
Act, 2002, before the District Collector-cum-District
Magistrate, Kancheepuram District, 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.M.Vinoth Kumar, 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 petitions, dated 12/10/2016, 6/6/2017, 18/8/2016 and 24/5/2017, as expeditiously as possible, by not later than four weeks, from the date of receipt of a copy of this order.

6. With the above observation and direction, these writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//
Sub Assistant Registrar

mvs.

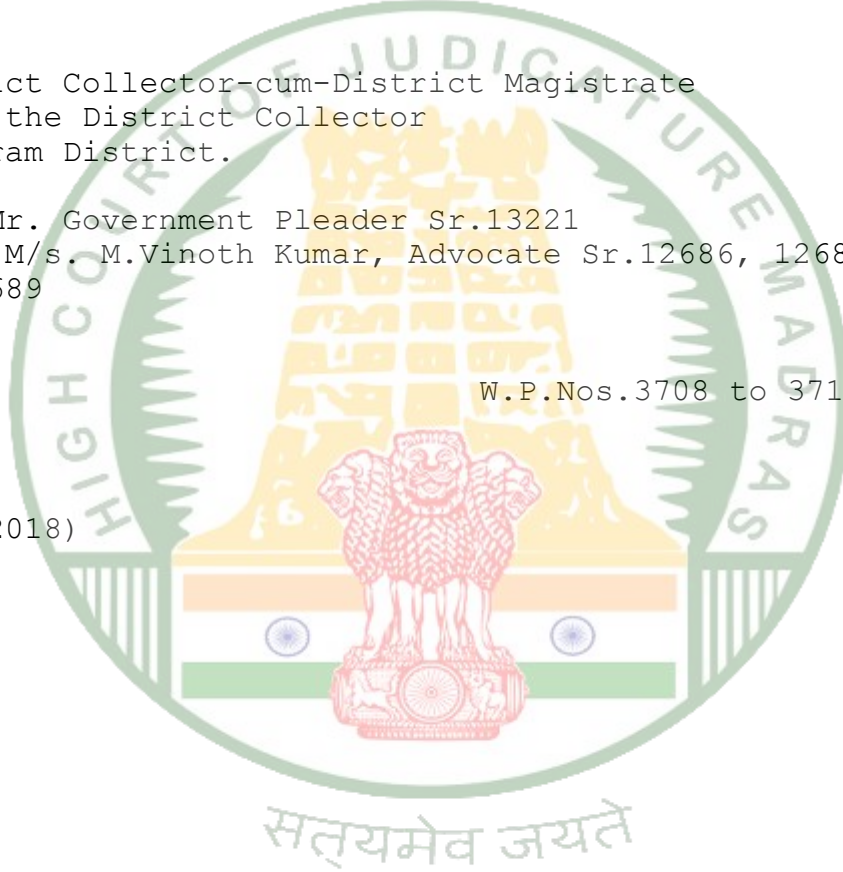
To

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

+1 cc to Mr. Government Pleader Sr.13221
+4 ccs to M/s. M.Vinoth Kumar, Advocate Sr.12686, 12687,
12688, 12689

W.P.Nos.3708 to 3711 of 2018

KAN(CO)
EU(14/03/2018)



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