

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/4/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition Nos.7624 and 7625 of 2018

M/s. Religare Finvest Limited
rep. By its Authorised officer
Mr.R.Rajeswaran
rep. By its Office at
Bascon IT Park, 12th Floor
New Door No.10/2 Old Door No.56
Venkat Narayana Road
T.Nagar
Chennai 600 017.

.... Petitioner in both
the petitions

Vs

The District Collector
Salem District
Salem.

.... Respondent in both
the petitions.

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus and direct the respondent to issue the order for take possession of the secured assets and hand over them to the petitioner within a time limit.

For petitioner ... Mr.S.Namasivayam

For respondent ... Mr.M.Sricharan Rangarajan
Additional Government Pleader

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C O M M O N O R D E R

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

M/s. Religare Finvest Limited, rep. By its Authorised Officer, has filed the instant writ petitions, for a mandamus, directing the District Collector-cum-District Magistrate, Salem, to pass orders, on the petitions filed, under Section 14 of the SARFAESI Act.

2. Mr.M.Sricharan Rangarajan, learned Additional Government Pleader takes notice on behalf of the respondent.

3. Material on record discloses that on the applications filed under Section 14 of the SARFAESI Act, 2002, the District Collector-cum-District Magistrate, vide proceeding in Roc.No.8564/2017/C5, dated 24/3/2017, requested the Revenue Divisional Officer, Salem, to conduct a detailed enquiry and submit a report.

4. Proceedings dated 24/3/2017, reads thus:-

"I invited your attention to the reference cited.

The Authorised Officer, M/s.Religare Finvest Ltd., Salem has requested the assistance of the District Magistrate, for taking possession of the secured assets of 1. K. Balasubramani, Prop. Of M/s. Merlin Fashions and 2. Premalatha, No.109, Cuddalore Main Road, Ammapet, Salem, under Section 14 of SARFAESI Act, 2002.

In this regard, the Original reference is send herewith for conducting detailed enquiry and report the fact immediately."

5. Responding to the above, Revenue Divisional Officer, Salem, vide proceeding dated 1/6/2017, has instructed the Tahsildar, Salem, to conduct spot inspection and submit a report to him.

6. Thus, from the above, it could be seen that though application, under Section 14 of the SARFAESI Act, 2002 has been filed, in March 2017, orders have not been passed so far and hence the writ petitions.

7. 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.

8. 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."

9. 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, filed during March 2017, as expeditiously as possible, by not later than three weeks, from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mvs.

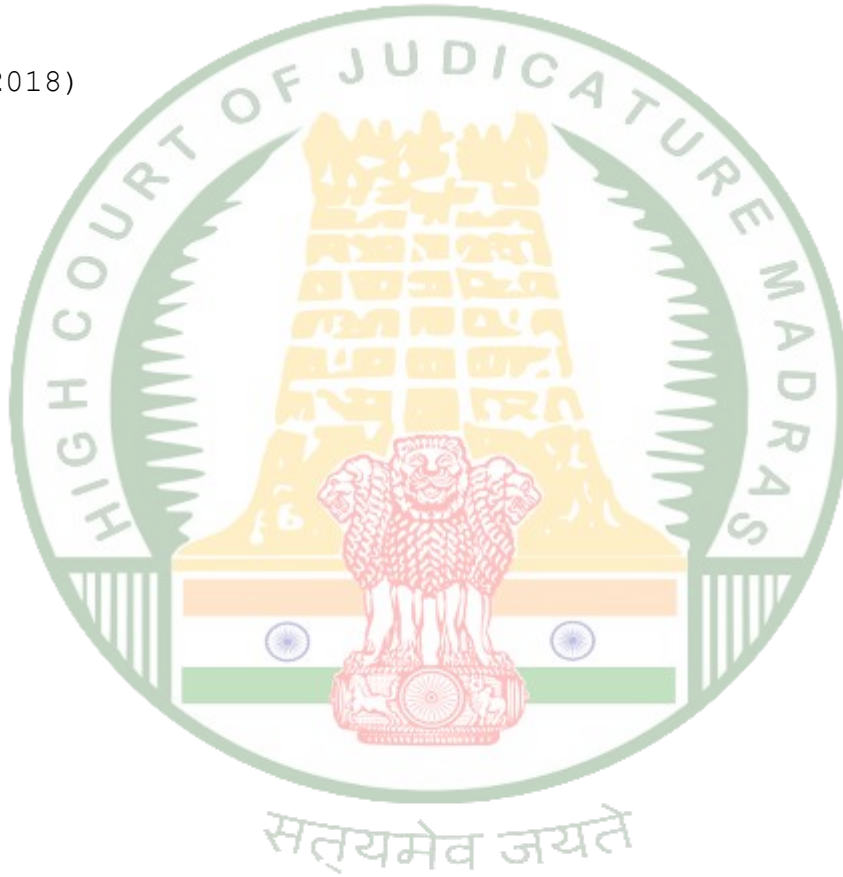
To

The District Collector
Salem District
Salem.

+1cc to the Government Pleader, S.R.No. 25187
+1cc to Mr.S.NAMASIVAYAM, Advocate, S.R.No. 24555

W.P.Nos.7624 and 7625 of 2018

SS (CO)
TR(17/04/2018)



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