

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

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

W.P.No.6681 of 2018

HDFC Bank Ltd.,
having its Branch Office at
Sri Nithyakalyani Towers,
No.34, 2nd Floor,
North Veli Street, Madurai - 1,
rep. by its Legal Manager. Petitioner

vs.

1. District Collector,
Collector Office,
Karuppagaoundampalaym,
Tirppur District - 651 604.

2. A.Balasubramaniam

3. A.Lakshmi

... Respondents

Prayer:

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the District Collector, Tiruppur to expeditious disposal of the Application filed by the petitioner bank under Section 14 of SARFAESI Act in Ref.K.Dis.No.12669/2015/C3/dated 25.10.2017 on merits within a time limit as may be fixed by this Hon'ble High Court in a time bound manner of the said petition.

For Petitioner : Mr.T.N.Kaarthikeyan
For Respondents : Mr.J.Ramesh (for R1)
Additional Government Pleader.

ORDER

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

Mr.J.Ramesh, learned Additional Government Pleader, takes notice for the 1st respondent-District Collector, Tiruppur District.

<https://hcservices.ecourts.gov.in/hcservices> Seeking for expeditious disposal of the application

filed under Section 14 of the SARFAESI Act, 2002 in Ref.K.Dis.No.12669/2015/C3 dated 25.10.2017 on merits, within a time frame to be fixed by this Court, instant writ petition has been filed.

3. Mr.J.Ramesh, learned Additional Government Pleader, submitted that the details called for by the District Collector cum District Magistrate, Tirupur vide letter dated 25.10.2017 to the Authorised Officer HDFC Bank, Coimbatore, has not been responded.

4. Repelling the same, learned counsel for the bank submitted that the above particulars have been furnished.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Letter dated 25.10.2017 of the District Magistrate cum District Collector, Tiruppur addressed to the Authorised Officer, HDFC Bank, Coimbatore, is as hereunder.

K.Dis.No.12669/2015/C3 Dated:
25.10.2017

Sir,

Sub: SARFAESI Act, 2002 - Tiruppur District -
The M/s.HDFC Bank, Coimbatore - Sanction of loan to
Mr.A.Balasubramaniam and Mrs.A.Lakshmi -
Defaulted in repayment of loan - Non-settlement of amount
- Request to take over the property - Reg.

Ref: 1. Affidavit filed by the Authorised
Officer, HDFC Bank,
Coimbatore, dated 31.08.2015.
2. This Office Ref.No.12669/2015/C3 dated
20.11.2015.

I invite your attention to the reference cited, wherein you have requested for taking possession of mortgaged properties, under SARFAESI Act. On perusal of the records, the following documents have not been received along with your application.

Hence, it is hereby requested to comply with defects noticed hereunder and represent the same to the Office.

1. Registered copy of the Memorandum of deposit of Title Deed should be enclosed.

2. The copies of documents must be attested properly (Full signature) by the Authorised Officer.

<https://hcservices.ecourts.gov.in/hcservices> submit a additional affidavit regarding no

tenant or no lease in the mortgage property.

4. Encumbrance Certificate for the properties mortgaged by the borrower from date of mortgaged to till dated.

5. If suit filed in DRT, stage of the case.

6. Details of pending process if any in the Debt Recovery Tribunal or case filed in any other Court, and the present stage of the case.

7. Present value of Asset.

8. Village Records (Adangal, Chitta, RSR)

9. Xerox copy of the News Paper in Full page."

7. Though, learned counsel for the parties have made rival submissions on the furnishing of details called for, Authorised Officer, HDFC Bank, Coimbatore, is hereby directed to furnish the particulars called for, if not furnished earlier, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, District Collector cum District Magistrate, Tiruppur, is directed to dispose of the application filed under Section 14 of the SARFAESI Act, 2002, within a period of three weeks, thereafter.

8. If the Authorised Officer, HDFC, Coimbatore, had already furnished the documents, as submitted by the learned counsel for the petitioner/Bank, the application, filed under Section 14 of the SARFAESI Act, 2002, be disposed of as expeditiously as possible within three weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.District Collector,
Collector Office,
Karuppagaoundampalaym,
Tiruppur District - 651 604.

+1cc to Mr.T.N.Karthikeyan, Advocate, S.R.No.22513

+1cc to the Government Pleader, S.R.No.23351

W.P.No.6681 of 2018

ssv (CO)

<https://hcservices.courts.gov.in/hcservices>