

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/3/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.5774 of 2018

Magma Housing Finance Ltd
rep. By its Authorised Officer
Mr.M.Shiva Sudhaakar
Chennai 600 095. ... Petitioner

Vs

The District Collector-cum-District Magistrate
District Collectorate
Thiruvallur 602 001. ... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondent to dispose of the application dated 6/6/2017 filed by the petitioner under Section 14 of the SARFAESI Act, 2002, dated 17/7/2017, within a time fixed by this Court.

For Petitioner Mr.J.Zeakumar

For respondent ... Mr.M.Elumalai
Government Advocate

O R D E R

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

Material on record discloses that, Magma Housing Finance Limited, represented by its Authorised Officer, has filed a petition, dated 6/6/2017, under Section 14 of the SARFAESI Act, 2002, before the District Collector-cum-District Magistrate, Thiruvallur, 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.J.Zeakumar, learned counsel for the Bank has prayed to issue a mandamus, as prayed for.

3. When an application was 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. Material on record discloses that information sought for is stated to have been furnished by the Bank and despite request, application filed under Section 14 of the SARFAESI Act is pending for more than eight months.

6. 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 6/6/2017, as expeditiously as possible, by not later than three weeks, from the date of receipt of a copy of this order.

7. With the above observation and direction, this writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

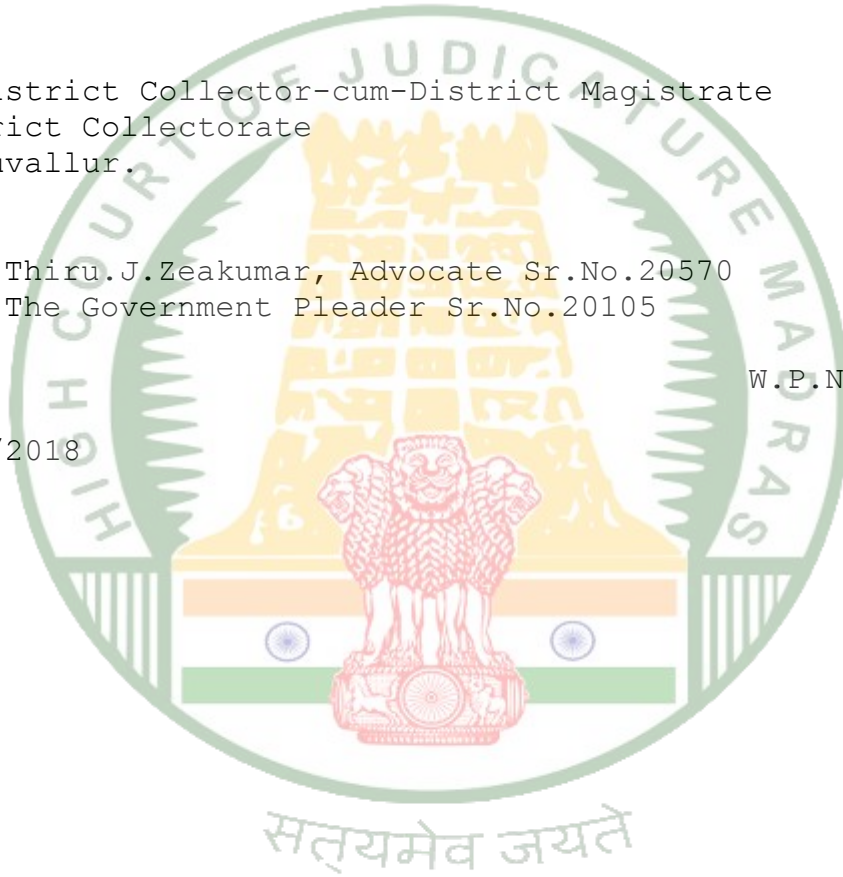
1. The District Collector-cum-District Magistrate
District Collectorate
Thiruvallur.

- 1 cc to Thiru.J.Zeakumar, Advocate Sr.No.20570
- 1 cc to The Government Pleader Sr.No.20105

W.P.No.5774 of 2018

MR(CO)

RRI 06/04/2018



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