

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/4/2018

C O R A M

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

Writ Petition No.10938 of 2018

State Bank of India Retail Asset
Central Processing Centre
rep. By its Chief Manager and
Authorised Officer
Mr.A.Elangovan
No.D-128 III & IV Floors, D Block
Plot No.676, I Main Road
Near Chintamani Circle
Anna Nagar East
Chennai 600 102.

... Petitioner

Vs

1. The District Magistrate-cum-
District Collector
Kanchipuram District.

2. Shri.Shankar Venkatraman

3. Mrs.Nalini Shankar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the first respondent, to pass an order in petitioner's Section 14 (1) and (2) SARFAESI Act petition, dated 7/7/2017 and to handover the vacant possession pending on the file of the first respondent, within a time frame fixed by this Court.

For petitioner ... M/s.L.Poompavai

For respondent ... Mr.V.Prabhu
Government Advocate
for R.1

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O R D E R

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

Material on record discloses that, State Bank of India, Chennai, has filed a petition, dated 7/7/2017, 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 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, Ms.L.Poompavai, 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. As the District Collector cum District Magistrate, Kanchipuram District, the 1st respondent is bound to pass orders on the application, we are of the view that there is no need to

issue notice to respondents 2 and 3. Hence, notice to respondents 2 and 3, is waived.

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 7/7/2017, as expeditiously as possible, by not later than four weeks, from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

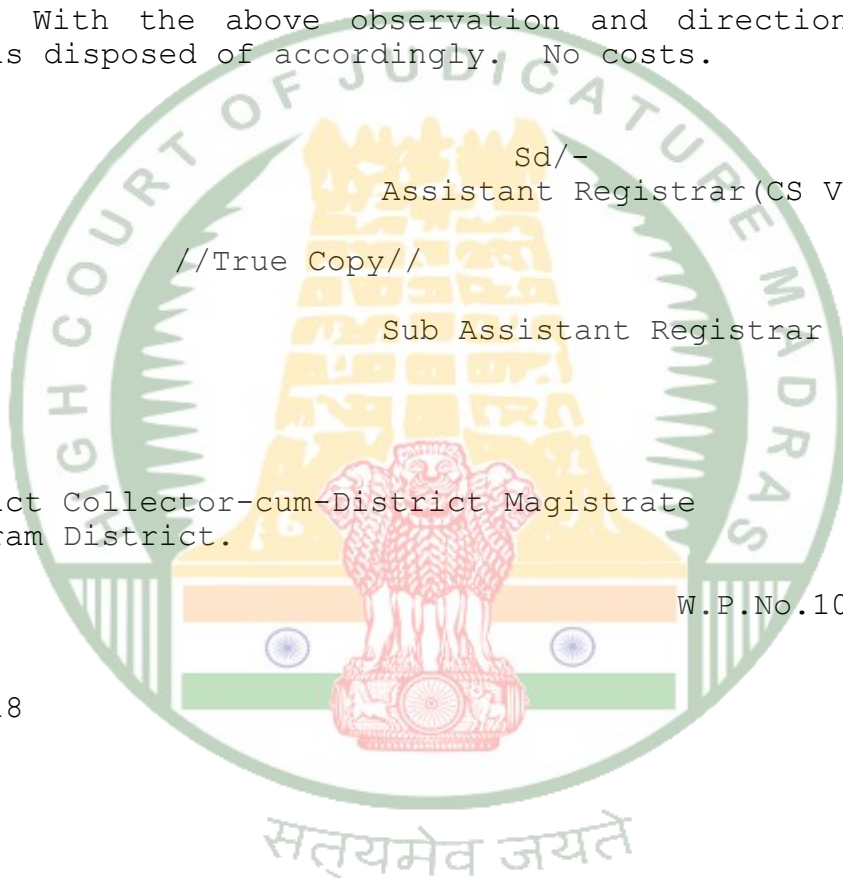
mvs.

To

The District Collector-cum-District Magistrate
Kancheepuram District.

W.P.No.10938 of 2018

sj(co)
cs/04/06/18



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