

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6/2/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.2230 of 2018

M/s.Bajaj Finance Limited
rep. By its Authorised Officer
Mr.Vijayakumar
Second Floor
4/33 Sree Lakshmi Complex
Omalur Main Road
Swarnapuri
Near ANS Jewellery
Salem 636 004.

... Petitioner

Vs

1. The District Collector-cum-District Magistrate
Office of the District Collector
Salem District.

2. The Tahsildar
Salem West
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondents 1 and 2 to expeditiously dispose of the petition, dated 31/5/2017, filed by the petitioner and received by the first respondent on 8/6/2017, vide reference No.Na.Ka.17023/2017 C5, made in Memorandum in Na.Ka.No.1583/17/AA2 before the first respondent, District Magistrate-cum-District Collector, Salem.

For Petitioner ... Mr.M.Arunachalam

For respondents ... 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, Bajaj Finance Limited,

represented by its Authorised Officer, has filed a petition, dated 31/5/2017, under Section 14 of the SARFAESI Act, 2002, before the District Collector-cum-District Magistrate, Salem 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, Mr.M.Arunachalam, 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 31/5/2017, 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, this writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-IX)

Dated: 13/02/2018

*Corrected order to issue
as per Corrected by SMKJ & VBSJ

Sd/-Assistant Registrar(CS IX)

Dated: 15/03/2018

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The District Collector-
cum-District Magistrate
Office of the District Collector
Salem District.

To be substituted to
this Order already
despatched on 14/02/2018
Issue fresh order copy
by SMKJ & VBSJ

2. The Tahsildar
Salem West
Salem.

+1cc to Mr.M.ARUNACHALAM, Advocate, S.R.No. 9442

+1cc to Mr.M.ARUNACHALAM, Advocate, S.R.No. 19881(05-04-2018)

W.P.No.2230 of 2018

TR(13/02/2018)

GN(15/03/2018)