

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.09.2018

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL
and
THE HON'BLE Mrs. JUSTICE S.RAMATHILAGAM

W.P.No.24173 of 2018 and
W.M.P.No.28172 of 2018

M/s.Equitas Small Finance Bank Ltd.,
having office at No.769, Spencer Plaza, Phase II,
4th Floor, Anna Salai, Chennai - 600 002,
Rep. By its Legal Manager,
Mr.D.Vimalan.

Petitioner

Vs

1.The District Collector Cum District Magistrate,
District Collector Office,
Tiruvallur District.

2.S.Bharathi

3.Senthil Kumar

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the District Collector cum District Magistrate, Tiruvallur to expeditious disposal of the Application filed by the Petitioner bank under Section 14 of the SARFAESI Act filed on 07.06.2016 in vide Re.No.12900/2016/M2 dated 25.06.2016 on merits within a time limit as may be fixed by this Court in a time bound manner of the said petition.

For Petitioner : Ms.R.Mahamandra Rajalakshmi
for Mr.K.Govindarajan

For 1st Respondent : Mr.J.Pothiraj
Special Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner. Mr.J.Pothiraj,
Learned Special Government Pleader takes notice for the 1st
Respondent.

2.To avoid an avoidable delay, notice to the Respondents 2 and 3 is dispensed with. No counter is filed on behalf of the 1st Respondent.

3.According to the Petitioner, the Respondents 2 and 3 approached the Petitioner/Bank for a Secured Loan for their business requirements by mortgaging their property and at the request of the Respondents 2 and 3, they had granted financial assistance to them. As a matter of fact, the Respondents 2 and 3 had failed to make payment of the outstanding amount in respect of the financial assistance provided by the Petitioner/Bank. The loan account of the Respondents 2 and 3 was classified as 'Non Performing Assets'. A Statutory Notice under Section 13(2) of the SARFAESI Act, 2002 was issued on 12.01.2016 among other things calling upon the Respondents 2 and 3 to repay a sum of Rs.18,95,057/- as on 28.12.2015 for discharging their liabilities in full within 60 days from the date of statutory notice. The Respondents 2 and 3 had neither responded nor paid the amount due to the Petitioner. Hence, the Petitioner has preferred an application dated 07.06.2016 under Section 14 of the SARFAESI Act, 2002 before the 1st Respondent/District Collector cum District Magistrate, Tiruvallur District seeking to take actual possession of the secured assets from the Respondents 2 and 3.

4.It comes to be known that based on the application of the Petitioner dated 07.06.2016, the 1st Respondent/District Collector had addressed a communication in Rc.No.12900/2016/M2 dated 25.06.2016 to the Tahsildar, Poonamallee with a request to check thoroughly the facts submitted by the Petitioner Bank and physically verify all the original records by summoning the Counsel for the Bank to produce the records, and submit a detailed report, after inspection of the site, along with the Proforma enclosed. In short, the 1st Respondent had directed the Tahsildar to complete the exercise in question within six weeks from the date of receipt of the letter.

5.The main grievance of the Petitioner is that even though six weeks time had elapsed from the date of communication viz., 25.06.2016 addressed by the 1st Respondent/District Collector cum District Magistrate, Tiruvallur to the Tahsildar, Poonamallee, there is no significant progression in the subject matter in issue, as on date the said application of the Petitioner dated 07.06.2016 is pending.

6.In view of the fact that the application of the Petitioner dated 07.06.2016 is pending on the file of the 1st Respondent/District Collector cum District Magistrate, Tiruvallur, at this stage, this Court, without delving deep into the merits of the matter and also not expressing any opinion about the subject matter in issue, simpliciter, directs the 1st Respondent to dispose of the application of the Petitioner dated 07.06.2016 on merits within a period of four weeks from the date of receipt of

copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Sgl

To

The District Collector Cum District Magistrate,
District Collector Office,
Tiruvallur District.

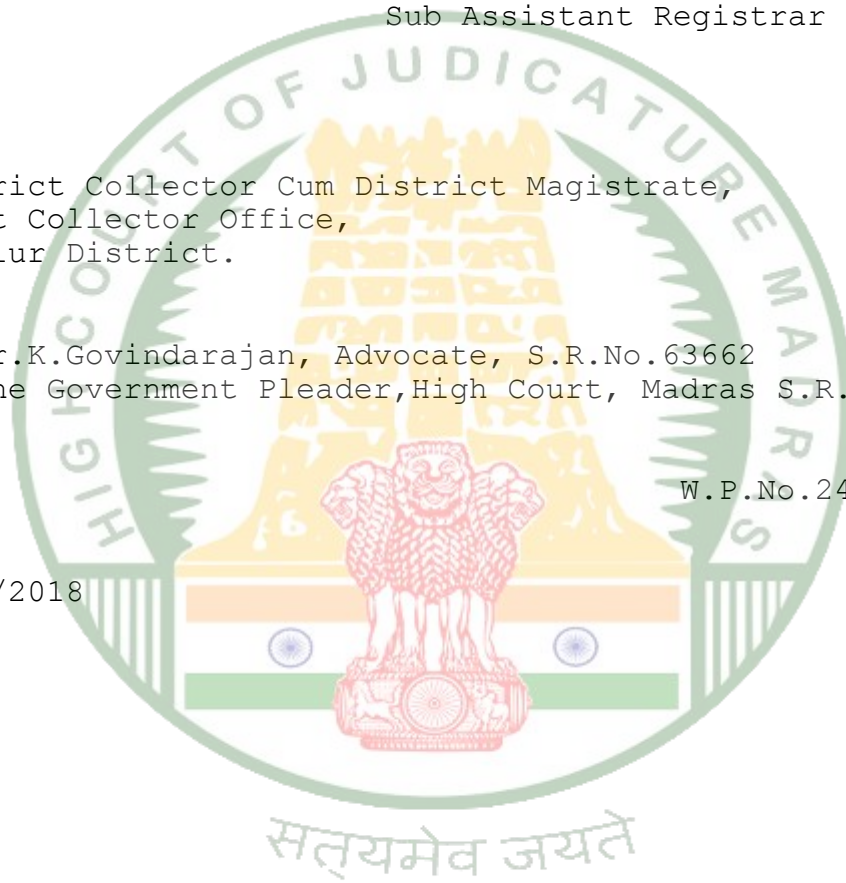
+lcc to Mr.K.Govindarajan, Advocate, S.R.No.63662

+lcc to the Government Pleader, High Court, Madras S.R.No.64136

W.P.No.24173 of 2018

SJ(CO)

rrs 04/10/2018



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