

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/2/2018

C O R A M

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

Writ Petition No.2745 of 2018

M/s.International Asset Reconstruction

Company Private Limited

rep. By its Vice President

Mrs.Aruna Mannath

Acting as Trustee of IARF - 1, Trust Scheme - 1

Corporate Office at A/508, 5th Floor,

215 Atrium

Kanakia Spaces, Andheri Kurla Road

Andheri (East)

Mumbai 400 093

Having its Branch Office at

No.2 B, K.G.Retreat, Old No.119, New No.26

Chennai 600 017.

... Petitioner

Vs

The District Magistrate-cum-District Collector

Office of the District Collector

Kancheepuram.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondent to expeditiously disposing of the petitions filed on 23/2/2017 reference Nos.2017/03/0223/DST/88985 before the respondent, the District Magistrate-cum-District Collector, Kancheepuram and to provide the necessary administrative assistance to the petitioner, under Section 14 of the SARFAESI Act, for taking possession of the secured asset and also pleaded to pass general instructions, directing the respondent for disposing off the applications of the Banks and the Financial Institutions under Section 14 of the SARFAESI Act, within time bound manner, i.e., within one month from the date of filing the concerned Application in consideration to the aim and object of the SARFAESI Act.

For Petitioner ... Mr.M.Arunachalam

For respondent ... Mr.J.Ramesh
Additional Government Pleader

- - - - -

O R D E R

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

Material on record discloses that, International Asset Reconstruction Company Private Limited, represented by its Vice-President, has filed a petition, dated 23/2/2017, 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, 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 requests, application filed under Section 14 of the SARFAESI Act is pending for more than eleven 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 23/2/2017, 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(J)

20/02/2018

Corrected order to be issued AR

sd/-

Assistant Registrar(CS II)

20/03/2018

//True Copy//

Sub Assistant Registrar

mvs

To

The District Collector-cum-District Magistrate
Office of the District Collector
Kancheepuram District.

+lcc to Mr.M.Arunachalam, Advocate, S.R.No.10071
+lcc to the Government Pleader, S.R.No.10309

To be
substituted
order copy
already
Despatched on
19/03/2018

W.P.No.2745 of 2018

RRK(23/02/2018)

nr 20/03/2018