

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.15785 of 2018

Jammu and Kashmir Bank Limited,  
Through its Business Unit Parrys Chennai  
At: Voltas International Building,  
No.52, Armenian Street, Parry, Chennai - 1,  
Rep. by its Authorized Officer, Mr.Sushil Kumar Gupta

.... Petitioner

vs.

1. The District Collector cum Magistrate,  
Puducherry Collectorate,  
Puducherry - 631 501.

2. ETA Engineering Private Limited,  
Rep. by its Directors

1. Mr.Abdul Cade Junai Yaseen Mohammed.  
2. Mr.Khalid Buhari Abdul Kader.  
3. Mr.Abdul Qadir.

....

Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the 1st respondent to forthwith consider and pass appropriate and necessary orders in the petitioners petition dated 17.08.2017 bearing reference number 10438/DRDM/C3/SARFAESI/2017 filed before the 1st respondent under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within such time frame as this Hon'ble Court may see fit to impose in accordance with law.

For Petitioner : Mr.Arjun Suresh

For Respondents : Mr.J.Kumaran (for R1)  
Government Advocate (Pondy)

## ORDER

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

Seeking assistance, for taking physical possession, Jammu and Kashmir Bank Limited, Chennai, has filed petition dated 17.08.2017, under Section 14 of the SARFAESI Act, 2002, before the District Collector cum Magistrate, Puducherry.

2. According to the petitioner, the said petition is pending for nearly ten months. Requisition sent by the petitioner, has not been responded. Left with no other alternative, instant writ petition has been filed for a mandamus, directing the 1st respondent, to pass orders on the petition dated 17.08.2017 filed under Section 14 of the SARFAESI Act, within such time frame to be fixed by this Court.

3. Respondent No.2, is the borrower. As the District Collector cum Magistrate, Puducherry, 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 respondent No.2. Hence, notice to respondent No.2, is waived.

4. On this day, when the writ petition came up for admission, on instructions, Mr.J.Kumaran, learned Government Advocate (Pondy) submitted that orders are yet to be passed in the application filed under Section 14 of the SARFAESI Act, 2002 and he prayed for four weeks time.

5. Section 14 of the SARFAESI Act, 2002 mandates that on receipt of an affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit, pass suitable orders for the purpose of taking possession of the secured assets, within a period of 30 days from the date of application. Proviso to the said Section states that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate, within the said period of thirty days, for the reasons beyond his control, he may after recording reasons, in writing, for the same, pass the order within such also period but not exceeding in aggregate 60 days.

6. Placing on record the submission of the learned Government Advocate (Pondy) and the provisions stated supra, this Court is inclined to pass the following orders,

"The District Collector cum Magistrate, Puducherry is directed to dispose of the application dated 17.08.2017, if not done earlier, within a period of four weeks, from the date of receipt of a copy of this

order. While doing so, District Collector cum Magistrate, Puducherry, should act in accordance with Section 14 of the SARFAESI Act, 2002."

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

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

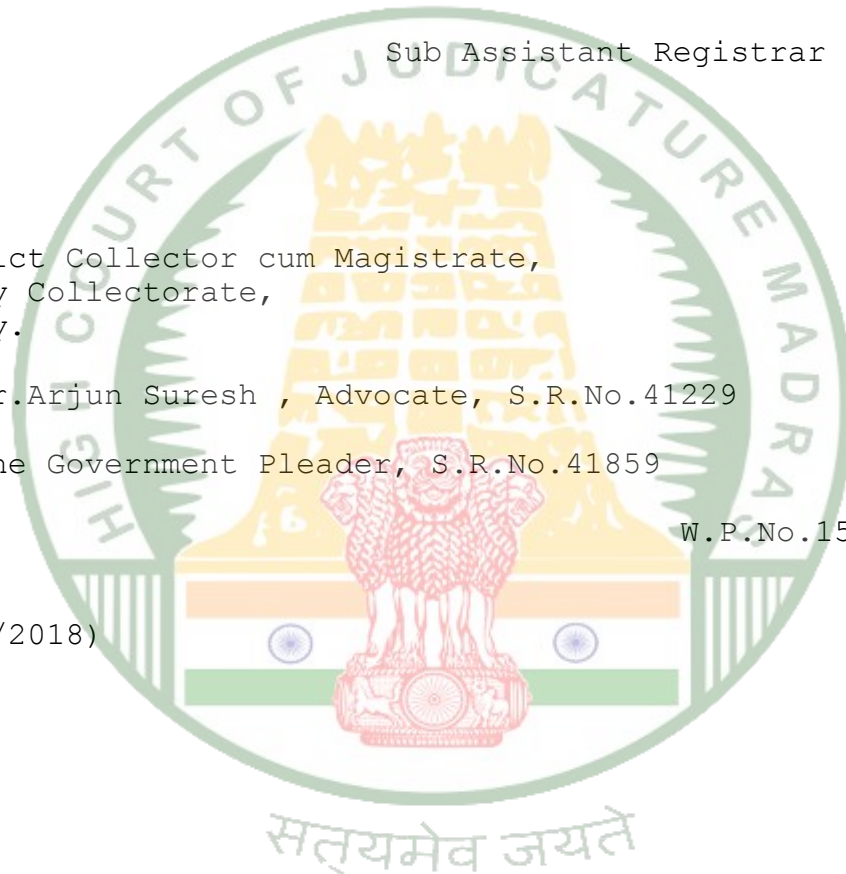
The District Collector cum Magistrate,  
Puducherry Collectorate,  
Puducherry.

+1cc to Mr.Arjun Suresh , Advocate, S.R.No.41229

+1cc to the Government Pleader, S.R.No.41859

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ST(CO)  
GSP(17/07/2018)



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