



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD].Nos.19666 to 19670 of 2018

M/s.Edelweiss Housing Finance Ltd.,
Rep by its Authorized Officer,
Mr.M.P.K.Mahendra Varma,
7th and 8th Floor, Kochar Towers,
No.19, Venkatnarayanan Road,
T.Nagar, Chennai 600 017.

: Petitioner

Vs

The District Collector/Magistrate,
Tiruchirappalli District,
Trichirappalli.

: Respondent

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pass orders on the petitions filed on 09.10.2017, 05.12.2017, 08.01.2018, 08.01.2018 and 13.03.2018 under Section 14 (1) of the SARFAESI Act, within the time stipulated by this Court.

For Petitioner	:	Mr.V.Selva
		For M/s.M.Ajmal Azzath
For Respondent	:	Mr.M.Jeyakumar
		Additional Government Pleader

COMMON ORDER

[Order of the Court was made by R.SUBBIAH, J.]

Since the issue involved in all these Writ Petition is one and the same, they were heard together and the Writ Petitions are disposed of by means of this Common Order.

2. The petitioner, which is a Financial Institution, has approached this Court, seeking a Writ of Mandamus directing the respondent to pass appropriate orders on the applications dated 09.10.2017, 05.12.2017, 08.01.2018, 08.01.2018 and 13.03.2018 submitted under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the SARFAESI Act").

3. The case of the petitioner is that the borrowers have approached the petitioner for availing housing loan to purchase house/flat and the credibility of the borrowers were scrutinized and



upon satisfaction of the eligibility criteria, the petitioner had sanctioned loan to the borrowers. As per the terms and conditions of the loan, the borrowers had to repay the loan amount in equated monthly installments. The borrowers had executed and registered mortgage by way of deposit of title deeds in favour of the petitioner, thereby promising to repay the loan amount under EMI System. Since the borrowers had committed default in repayment of three consecutive EMIs, the loan accounts of the borrowers were classified as "Non Performing Assets" [NPA]. The petitioner, after due compliance of the statutory provisions, issued notices to the borrowers calling upon them to pay the entire outstanding loan amounts. Since no response was forthcoming, the petitioner filed applications dated 09.10.2017, 05.12.2017, 08.01.2018, 08.01.2018 and 13.03.2018 before the respondent under Section 14(1) of the SARFAESI Act. As there were no orders passed by the respondent, the petitioner is before this Court with these Writ Petitions for the relief stated supra.

4. Today, when the Writ Petitions are taken up for consideration, the learned counsel appearing for the petitioner placed reliance upon the order dated 24.01.2018 made in W.P.No.1344 of 2018, [M/s.Shriram Housing Finance Ltd., Vs The District Collector/Magistrate, Vellore District], wherein, this Court under identical circumstances, held as follows:-

"Placing on record the submission of the learned Government Advocate and in the light of the directions issued by the Principal Secretary to Government, vide letter No.19498/Res.II/2014-1, dated 09.07.2014 and earlier order of this Court in W.P.No.7813 of 2016, dated 22.04.2016, this Court is inclined to pass the following order:-

The District Collector/Magistrate, Vellore, is directed to dispose of the application dated 10.05.2017, if not done earlier, within a period of four weeks from the date of receipt of a copy of this order. While doing so, the District Collector/Magistrate, Vellore, should act in accordance with Section 14 of the SARFAESI Act, 2002".

5. In the light of the above, the Writ Petitions are disposed of, by directing the respondent to consider the application of the petitioner dated 09.10.2017, 05.12.2017, 08.01.2018, 08.01.2018 and 13.03.2018 filed under Section 14(1) of the SARFAESI Act and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar (CS-IV)



To

The District Collector/Magistrate,
Tiruchirappalli District,
Trichirappalli.

+5cc to Mr.B.Vijay Karthikeyan, Advocate, Sr.No.96297.

+1cc to Special Government Pleader, Sr Nos.96292,96293,96294,96295 &
96296

COMMON ORDER MADE IN
W.P.[MD].Nos.19666 to 19670 of 2018
20.11.2018

nb

RAM-PS/SKN/SAR 4/14.12.2018/3P/8C