

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.26818 of 2019

Tamilnad Mercantile Bank Ltd.
Mapalayam Branch
No.9/72B, Avinashi Main Road
Ammapalayam - 641652
Tamilnadu
Rep. by its Authorized Officer,
T.Tamilalagan.

.. Petitioner

Vs

The District Collector cum Magistrate
Tirupur, Tirupur District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the respondent to pass appropriate and necessary orders in the petition dated 04.12.2017 filed by the petitioner Bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and consequently to provide necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured assets.

For Petitioner : Mr.K.N.Chinnakrishnan

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The learned Government Pleader, Mr.V.Jayaprakash Narayanan, submits that the District Collector has since decided the application of the petitioner/Tamilnad Mercantile Bank Limited under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and has held as under:

"4. Based on the request of the Authorised Officer Tamilnadu Mercantile Bank Ltd, Ammapalayam Branch, Tiruppur in their affidavit, in exercise of the powers conferred under sub-section (1A) of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Revenue Divisional Officer, Tiruppur is here by authorized and directed to take possession of the mortgaged property / Secured Asset as mentioned in Para 3 above on 'As is where is' basis and hand over the Secured Asset to the Secured Creditor viz., the Authorized Officer, Tamilnadu Mercantile Bank Ltd, Ammapalayam Branch, Tiruppur. The Revenue Divisional Officer Tiruppur may avail the assistance of Police in taking possession of the above mentioned property, if necessary and shall draw 'panchnama' and take inventory of the Secured Asset before handing over physical possession to the Authorized Officer of the Bank."

2. In view of this order, both the learned counsel agree that the present writ petition filed by the petitioner/bank has become infructuous and the same is, accordingly, disposed of as infructuous. No costs.

Sd/-

Assistant Registrar(CJ Conf)

//True Copy//

Sub Assistant Registrar

sasi

To:

The District Collector cum Magistrate
Tirupur, Tirupur District.

+1cc to Government Pleader SR.NO. 82918

W.P.No.26818 of 2019

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nr 31/10/2019