

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Writ Petition No.31372 of 2019

M/s.IIFL Home Finance Limited,
formerly known as
M/s.India Infoline Housing Finance Limited,
having its registered office at
12A-10, 13th Floor, Parinee Crescenzo,
C-38 and C-39, G Block, Behind MCA,
Bandra Kurla Complex Bandra East,
Mumbai - 400 051.
Branch Office at 9th Floor, Bascon Futura,
No.10/1, Venkatanarayanan Road,
T.Nagar, Chennai - 600 017.
through its Authorized Officer, Mr.R.Frazer ... Petitioner

Vs

The District Magistrate cum District Collector,
Thiruvallur District,
Thiruvallur. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondent to pass orders on Section 14 petition under SARFAESI Act, 2002, filed by petitioner before respondent on 23.03.2018 bearing Ref.No.2018/9005/01/232381/0323.

For Petitioner : Mr.V.Balasubramani

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing respondent to pass orders on the SARFAESI Application dated 23.03.2018 filed u/s.14 of the SARFAESI Act by the petitioner within a specified date.

2. Petitioner is a financial institution. It is the case of petitioner that one C.M.John and J.Sangeetha approached the

petitioner seeking loan and petitioner has also sanctioned loan facility of Rs.31,00,000/- on 08.05.2015 with a condition to repay the same in 180 EMI's of Rs.35,723/-. Necessary documents have been produced. The borrowers have also created equitable mortgage over the immovable property to secure repayment of the said loan in respect of the property at Flat No.B-2, First Floor, S.No.23/4, Oragadam Village, Plot No.4, Tagore Street, Venkateswara Nagar, Ambattur, Chennai. Subsequently, the borrowers defaulted in making payments and hence, the account became 'Non-Performing Asset'. Therefore, the petitioner institution issued a notice u/s.13(2) of SARFAESI Act on 23.07.2016 calling upon the borrowers to pay a sum of Rs.33,29,140/- within 60 days from the date of notice. Since the borrower did not repay the amount, a further possession notice u/s.13(4) of SARFAESI Act was issued. Thereafter, petitioner institution has filed an application u/s.14 of SARFAESI Act before the respondent seeking assistance for taking physical possession of the asset on 23.03.2018. Since no action was taken on the said application, the present Writ Petition has been filed.

3. Heard learned counsel for petitioner and learned Government Pleader for respondent.

4. Considering the limited prayer sought for in this Writ Petition, this Court, without going into the merits of the case, directs the respondent to take appropriate action on the SARFAESI Application dated 23.03.2018 filed u/s.14 of the SARFAESI Act by the petitioner institution within a period of eight weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The District Magistrate cum District Collector,
Thiruvallur District, Thiruvallur.

+1 cc to M/s.V.Balasubramani, Advocate Sr.No. 92823

+1 cc to The Government Pleader Sr.No. 92518

AKM/06.01.2020/2P-4C /

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