

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.Nos.973 & 1046 of 2020

M/s.HDB Financial Services Limited,
having its Reg.Office at
Radhika, 2nd floor,
Law Garden Road,
Navrangpura,
Ahmedabad - 380 009.

Branch office
4th floor, Loyal Towers,
#68/2, Greams Road,
Chennai - 600 006.

Rep. By its Authorised Officer,
P.Ananthakumar

... Petitioner
(in both WPs)

Versus

The District Collector/
District Magistrate,
Salem Collectorate,
Salem District.

... Respondents
(in both WPs)

Common Prayer:- Writ petition filed under Article 226 of the
Constitution of India prays to issue a Writ of Mandamus
directing the respondents to pass orders on the petition filed
on 20.11.2017 and 28.04.2017 under Section 14(1) of SARFAESI Act.

For Petitioner : Mr.J.Janakiraman
(in both Wps)

For Respondents: Mr.R.Vijayakumar
Addl. Government Pleader
(in both WPs)

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner Financial Services Limited, aggrieved by non passing of the orders, in respect of the applications dated 20.11.2017 and 28.04.2017 respectively, filed under Section 14 (1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, came forward to file these Writ Petitions.

2. A perusal of the materials would disclose among other things that Section 13(2) notice dated 12.09.2016, followed by Possession Notice under Section 13(4) of the SARFAESI Act, came to be issued on 17.02.2017 and thereafter paper publication was also effected on 22.02.2017 in English and Tamil news dailies. The petitioner Financial Company for getting actual physical possession of the secured assets had moved the respondent Bank by filing applications under Section 14(1) of the SARFAESI Act dated 20.11.2017 and 28.04.2017.

3. The learned counsel appearing for the petitioner would submit that though nearly two years had lapsed, the respondent is yet to pass any orders and drawn the attention of this Court to second proviso to Section 14 (1) of the SARFAESI Act, which mandates that the District Magistrate or the Chief Metropolitan Magistrate, after satisfying the contents of the affidavit, for the purpose of taking possession of the secured assets, shall pass appropriate orders within a period of 30 days from the date of such application and it may be extended by another 30 days, after the reasons to be recorded in writing.

4. Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent would submit that the jurisdictional Tahsildar has caused verification and would further add that appropriate orders in accordance with law could not be passed as expeditiously as possible, for the reason that the Collector of Salem District is having very many work load.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. This Court, taking into consideration the limited prayer sought for by the petitioner Financial Services Limited and without going into the merits of the claim projected by them, directs the respondent to accord priority and dispose of the applications / petitions dated 20.11.2017 and 28.04.2017, filed under Section 14 (1) of the SARFAESI Act as expeditiously as possible and not later than eight (8) weeks from the date of

receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

7. These Writ Petitions stand disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

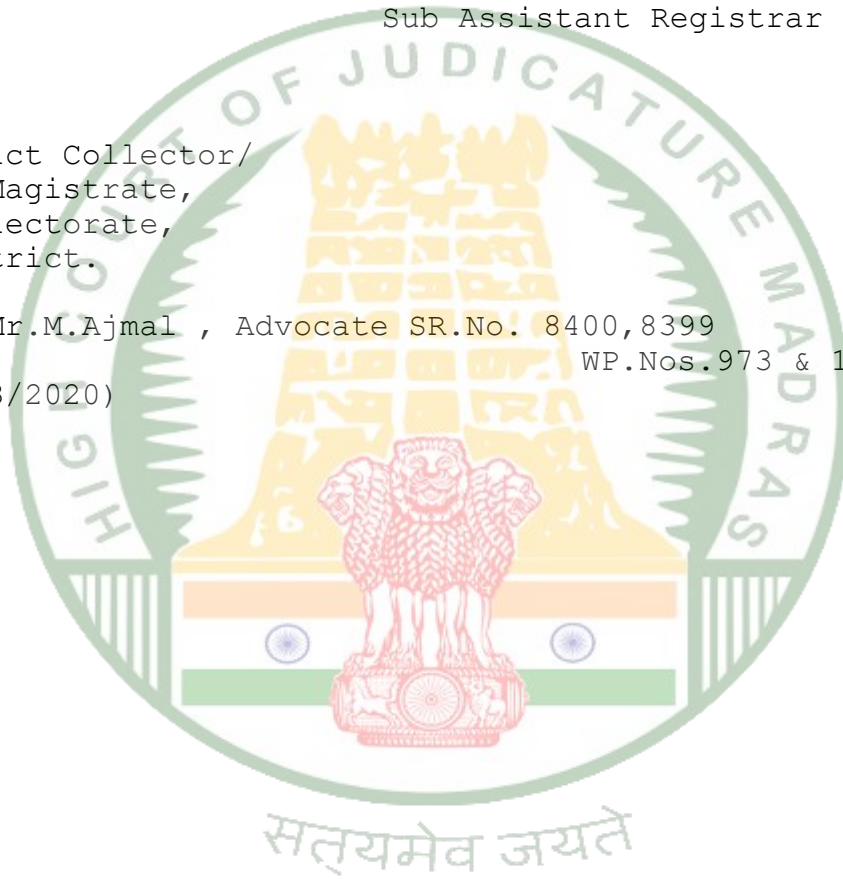
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To

The District Collector/
District Magistrate,
Salem Collectorate,
Salem District.

+2ccs to Mr.M.Ajmal , Advocate SR.No. 8400,8399

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A.SK(16/03/2020)



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