

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.8287 & 9137 of 2020

Canara Bank,
Asset Recovery Management Branch,
1st Floor, Regional Office,
T.V.Swamy Road,
R.S.Puram,
Coimbatore - 641 002.

Rep. by its Authorized Officer.
in

.... Petitioner

both W.Ps.

Vs.

1.The District Collector / District Magistrate,
Tirupur District - 641 604.

2.The Revenue Divisional Officer,
Near by North Police Station & Sub-Court,
Tiruppur - 641 602.

.... Respondents in
both W.Ps

Prayer in W.P.No.8287 of 2020: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus and direct the 2nd respondent to take physical possession of the property described in Item Nos.1, 2 and 5 of Schedule B in

Item -1: (Property situated at SF No.643/3C in Veerapandi village)

All that piece and parcel of land and buildings existing and / or to be constructed thereon and shown below together with easementary rights and appurtenants thereto. In Tirupur Registration District, Nallur Sub Registration District, Tirupur Taluk Veerapandi Village, in S.F. No.643/3C an extent 0.84 Acre (84 cents) assessed at Rs.1.95 in this an extent of 0.42 acre (42 cents) situated within the following boundaries:

East of the south-north cart track in S.F.No.643/3A,
West of S.F.Nos.637 and 646,
North of the share of lands belonging to Palanisamy and
South of the share of lands belonging to Rajamanickam in
S.F.No.643/2;
and the right to use the mamool roads to reach the property.

Item -2: (Property situated at SF No.577/2A2, present sub division S.F.No.577/2Z12 in Veerapandi Village)
All that piece and parcel of land and buildings existing and/or to be constructed thereon and shown below together with easementary rights and appurtenants thereto. In Tirupur Registration District, Nallur Sub Registration District, Tirupur Taluk Veerapandi Village, S.F.No.577/2A2 in this a layout has been formed as per the layout plan site No.4 measuring an extent of 3,420 square feet situated within the following boundaries:

East of College Pudur south-north Road,
West of S.F.Nos.576 and 578,
North of site No.3 and
South of site No.5;

Measuring south-north 40 feet on both sides, east-west 85 feet on the northern side and east-west 86 feet on the southern side making the above extent of 3,420 square feet and the building constructed thereon bearing Door No.4/32 named as R.M.Mansion and 30 H.P. Electricity service connection bearing Nos.914 and 989 along with all other appurtenances thereto and the rights to use the layout road and other mamool roads to reach the property. Pursuant to the order of the 1st respondent dated 09.04.2018 in proceedings Ref No.15834/2017/c3, handover the same to the petitioner.

Prayer in W.P.No.9137 of 2020: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus direct the 2nd respondent to perform the duty enjoined on the law, take physical possession of the property situated at Tirupur Registration District, Tirupur Joint II Sub Registration District, in Tirupur Taluk, 15 Velampalayam Village, SF. No.224/2 Punjai Acres 5.66, in this Southern side Punjai Acres 2.83 of land. This lay out has been formed with the approval of the Tirupur Local Planning Authority Member Secretary (I/c) L.P./P.LBA No.9/2003 and divided into house sites and named as Park Enclave and as per the Lay Out Plan site No.25. The land is within S.F.No.224/2A hand over the same to the petitioner, pursuant to the order of the 1st respondent dated 30.07.2019 under Sec.14 of securitisation Act.

For Petitioner .. M/s T.S.Gopalan & Co
in both W.Ps

For Respondents .. Mr.v.Jayaprakash Narayanan
in both W.Ps. Government Pleader

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

In view of the commonality of the issues involved, both the writ petitions have been taken up together and disposed of by way of common order.

2. These writ petitions have been filed by the secured creditor viz., Canara Bank. In these two writ petitions, the petitioner seeks direction to the 2nd respondent to perform his duty as enjoined on him in facilitating the physical possession of the secured assets pursuant to the proceedings concluded as against the borrower.

3. The learned counsel for the petitioner submitted that despite the above, no consequential action is forthcoming from the respondents 1 and 2. The learned counsel has also made reliance upon the Circular issued by the Commissioner, Revenue Administration in R.C.No.RA6(3)/6075/2019 dated 01.03.2019. Despite the same, no auction is forthcoming.

4. On instructions, the learned Government Pleader submitted that action could not be taken in view of the pandemic situation. He further submitted that needful would be done within a reasonable time.

5. However, by way of reply, the learned counsel for the petitioner submitted that even prior to that, no action has been taken.

6. As rightly submitted by the learned counsel for the petitioner, the respondent are required to do only an administrative act. The status of the borrower is not in dispute and so also the conclusion of the proceedings against the borrower. In such view of the matter, a direction is issued to the 2nd respondent to complete the formalities and hand over the physical possession of the secured assets to the petitioner within a period of eight weeks from the date of receipt of a

copy of this order.

7. In the result, these writ petition are disposed of accordingly with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

raa/kmk

To

1.The District Collector / District Magistrate,
Tirupur District - 641 604.

2.The Revenue Divisional Officer,
Near by North Police Station & Sub-Court,
Tiruppur - 641 602.

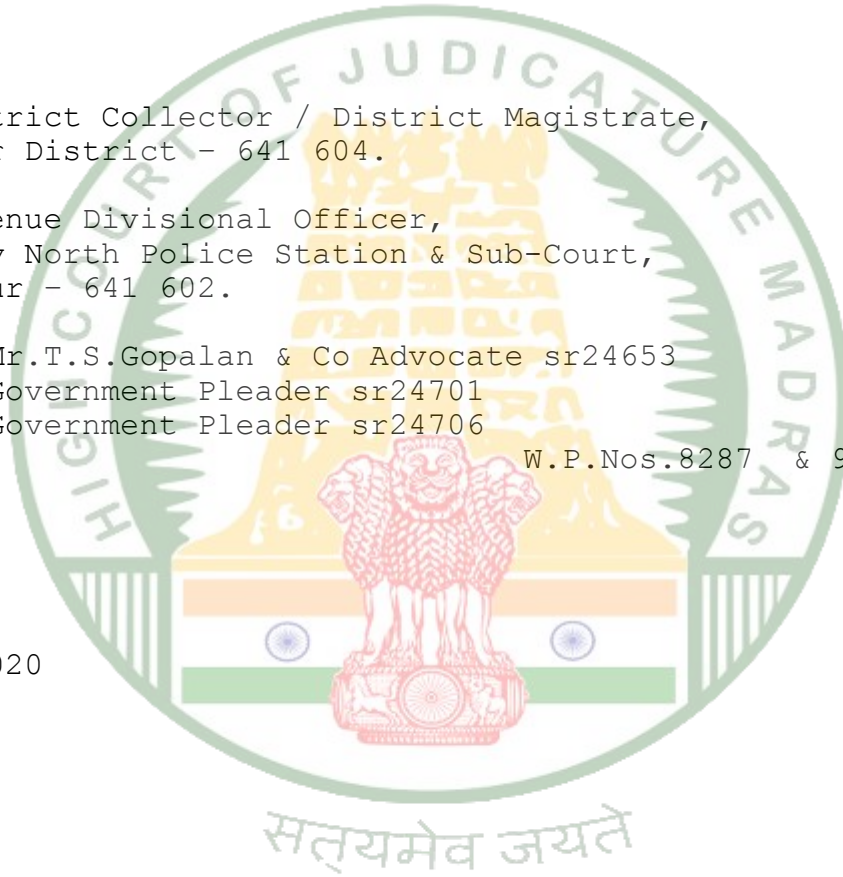
+1 cc to Mr.T.S.Gopalan & Co Advocate sr24653

+1 cc to Government Pleader sr24701

+1 cc to Government Pleader sr24706

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