

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.16538/2020

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.Petitioner

Versus

- 1.The District Magistrate
District, Collector,
Villupuram District, Villupuram.
- 2.The Sub Divisional Magistrate
and Revenue Divisional Officer
Villupuram District, Villupuram.
- 3.The Deputy Superintendent of Police
Villupuram District, Villupuram. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent to execute the order dated 16.11.2019 in ROC.C4/21820/2018 along with police protection.

For Petitioner : Mr.Ajmal Azzath

For Respondents : Mr.M.Elumalai
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2) Mr. M. Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents.

(3) The petitioner / Financial Institution has approached the 1st respondent by filing a petition dated 15.11.2019 for taking possession of the secured assets in some of the landed properties in V. Maruthur Village, Villupuram Municipality and vide order dated 16.11.2019, in ROC.No.C4/21820/2018, the 1st respondent has passed a positive order with a direction, directing the Revenue Divisional Officer and the Sub Divisional Magistrate, Villupuram, to take possession and hand over the same to the Authorised Officer of the petitioner / Financial Institution, with a further direction, directing the Deputy Superintendent of Police, Villupuram to render necessary assistance. The Revenue Divisional Officer, Villupuram, in Urgent Memo dated 06.02.2020 in ROC.No.A1/4844/2019, has informed the petitioner as well as the borrower as to the taking possession of the assets on 21.02.2020.

(4) The learned counsel for the petitioner would submit that the borrowers had also approached this Court by filing WP.No.4492 of 2020 praying for issuance of a writ of certiorari mandamus, to call for the records of the order of the 1st respondent, in Order No.ROC.No.C4/21820/2018 dated 16.11.2019 and the subsequent Memo of the Revenue Divisional Officer, Villupuram, dated 06.02.2020 and to quash the same to enable the petitioners therein to foreclose the outstanding amount by way of One Time Settlement. This Court had disposed of the matter by taking into consideration the Agreement reached between the petitioners and the respondents therein and therefore, permitted the petitioners therein / borrowers to pay a sum of Rs.1.60 Crores as One Time Settlement and out of the said amount, Rs.50 Lakhs is to be paid on or before 26.03.2020 and the remaining amount of Rs.1.10 Crores to be paid on or before 30.04.2020. According to the learned counsel for the petitioner, the said order has not been complied with. A reminder representation was also sent on 14.09.2020 to the 1st respondent as well as to the Revenue Divisional Officer, Villupuram, to take follow up action in pursuant to the above cited two communications dated 16.11.2019 and 06.02.2020 respectively on their file and despite receipt and acknowledgment, nothing is moving forward and therefore, constrained to approach this Court by filing this writ petition.

(5) Per contra, Mr. M. Elumalai, learned Additional Government Pleader appearing for the respondents would submit that immediate and necessary steps would be taken to take possession of the secured assets and it will be handed over to the petitioner/Financial Institution.

(6) This Court has considered the rival submissions and also perused the materials placed before this Court.

(7) This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, directs the respondents 1 to 3 to comply with their orders/Memo dated 16.11.2019 and 06.02.2020 respectively and take immediate, necessary and appropriate action in accordance with law and hand over the physical possession of the secured assets of the borrowers in favour of the petitioner / Financial Institution within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner / Financial Institution.

(8) The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Magistrate
District, Collector,
Villupuram District, Villupuram.

2. The Sub Divisional Magistrate
and Revenue Divisional Officer
Villupuram District, Villupuram.

3. The Deputy Superintendent of Police
Villupuram District, Villupuram.

+1cc to Government Pleader SR.38240

WP.No.16538/2020

SR(CO)
RVR 19/12/2020