

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Contempt Petition No.2034 of 2019

M/s.Hinduja Leyland Finance Ltd.,
rep.by its authorized officer
Mr.S.Uma Shankar

...Petitioner

Vs

Tmt.Mageswari Ravikumar, IAS,
District Collector-cum-District
Magistrate, Tiruvallur District,
Tiruvallur.

...Respondent

PETITION under Section 11 of the Contempt of Courts Act to punish the respondent for willful disobedience of the order passed by this Court in W.P.No.11157 of 2018 dated 28.4.2018.

For Petitioner :

Mr.V.Balasubramani

For Respondent :

Mr.M.Elumalai, GA

Order of the Court was made by T.S.SIVAGNANAM,J

We have heard Mr.V.Balasubramani, learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate accepting notice for the respondent.

2. This contempt petition has been filed alleging willful disobedience of the order and directions issued in W.P.No.11157 of 2018 dated 28.4.2018.

3. The petitioner, which is a non banking financial corporation, filed the said writ petition praying for a direction to the respondent herein to expeditiously dispose of the petition dated 01.12.2017, received by the office of the respondent on 22.12.2017, filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for brevity, the Act).

4. It is not known as to what happened to that petition.

5. The learned Government Advocate appearing for the respondent submits that on account of the decision of the Hon'ble Supreme Court in the case of *the Authorized Officer, Indian Bank Vs. D.Visalakshi [Civil Appeal No.6295 of 2015 dated 23.9.2019]*, the jurisdiction of the District Collector has been ousted and the power to deal with the petition under Section 14 of the Act has been conferred on the Chief Judicial Magistrate if the properties are situated outside the jurisdiction of Madras Metropolitan Area and in respect of the properties falling under the Chennai Metropolitan Area, the competent court will be the Court of Chief Metropolitan Magistrate.

6. Thus, in our considered view, no useful purpose will be served for the petitioner to pursue this contempt petition because no orders have been passed on the petition and as on date, the first respondent is not empowered

to deal with the petition under Section 14 of the Act.

7. Thus, while closing the above contempt petition, we grant liberty to the petitioner file an appropriate petition before the Chief Judicial Magistrate, Tiruvallur under Section 14 of the Act. If such a petition is filed in full and appropriate form, the Chief Judicial Magistrate, Tiruvallur shall deal with the same in accordance with law as expeditiously as possible because the petitioner has been unable to recover the dues for several years.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rs

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SMI/15/12/2020

To

1.The District Collector-cum-District
Magistrate, Tiruvallur District,
Tiruvallur.

2. The Chief Judicial Magistrate,
Tiruvallur.