



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.16556 of 2020

Cholamandalam Investment and Finance Company Ltd.,

Rep. by its Authorised Officer,

B.Muthukumar

: Petitioner

Vs.

1.The District Magistrate / District Collector,
Madurai District Collector Office,
Collectorate Complex,
Madurai - 625 020.

2.The Tahsildar,
Madurai (North),
Taluk Office,
Madurai.

3.The Tahsildar,
Madurai (West),
Taluk Office,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 2nd & 3rd respondents to implement the orders of the 1st respondent dated 18.02.2020 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in its letter and spirit, within a stipulated time limit.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.R.Murugan,

Additional Government Pleader

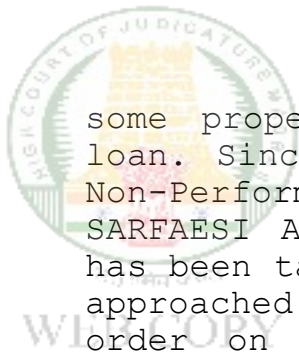
ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

This writ petition is filed by the petitioner / Finance Company to implement the order passed by the first respondent / District Collector, under Section 14 of the SARFAESI Act, 2002, in ROC.No.C6/11334/2017, dated 18.02.2020.

2. Heard Mr.K.Rajeshwaran, learned Counsel appearing for the petitioner and Mr.R.Murugan, learned Additional Government Pleader, who took notice on behalf of the respondents.

3. It is seen that the borrowers, namely, Y.Sasikala and A.Yegya Narayanan, availed loan from the petitioner Company, showing



some properties as security, however, they failed to re-pay the loan. Since the borrowers committed default, their accounts became Non-Performing Assets and notices under Section 13(2) of the SARFAESI Act have been issued and thereafter, symbolic possession has been taken. For taking actual possession, the petitioner Company approached the first respondent / District Collector, who passed an order on 18.02.2020, directing the respondents 2 & 3 to take possession of the schedule of property and hand over the same to the secured creditor.

4. For better appreciation, the schedule of property and the directions issued by the 1st respondent are extracted as under:

"2.

A. SCHEDULE OF PROPERTY

Property 1:

Door No.109, Old Survey Ward No.8, Corporation Ward No.35, Vakkil New Street, land admeasuring 3030 Sq.ft., with the built up area of 6711 Sq.ft., situated in Madurai Town bearing in T.S.No.261.

Boundaries:

North : Property Owned by A.Vasudevan in T.S.No.261,
bearing Door No.153B

South : Street

East : House site of S.S.Balakrishnan Chettiar

West : Door No.108, T.S.No.206, Narayanan Chettiar
Door No.154

Property 2:

Door No.101, New Door No.240, measuring an extent of 4385 Sq.ft., of land with a built-up area of 1700 Sq.ft., in Survey Ward No.10, Old Corporation Ward No.6, Old P.T.Rajan Road, presently Yogambal Road, Ayan Bi Bi Kulam Village, Madurai North Taluk, Madurai District, Madurai North Registration District, Sub District of Chokkikulam in Old T.S.No.4323, as per Sub-Division T.S.N.4323/2, bearing Old T.S.No.2742/4C.

Boundaries:

North : P.T.R. Road

South : Mohammed Ghouse's House

East : Mohammed Ghouse's House in T.S.No.4323/1 and
30 Feet Road

West : Bungalow of Arthanari Mudaliar in T.S.No.4322

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6. After due enquiry of the facts of this application, the Tahsildars Madurai West and North Taluk are hereby ordered and authorised u/s 14 of the SARFAESI Act to

1) take possession of scheduled asset described in 2.A



Schedule of Property, and

ii) Hand over such asset and documents to the secured creditor, after getting proper acknowledgement.

7. The Commissioner of Police, Madurai City is requested to provide adequate police protection to the Revenue and Bank Officials at the time of taking over possession of the scheduled property."

5. Since an order has been passed by the first respondent / District Collector, as early as on 18.02.2020, the respondents 2 & 3 are directed to implement the same, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

gk

To

1. The District Magistrate / District Collector,
Madurai District Collector Office,
Collectorate Complex,
Madurai - 625 020.

2. The Tahsildar,
Madurai (North),
Taluk Office,
Madurai.

3. The Tahsildar,
Madurai (West),
Taluk Office,
Madurai.

+1 CC to M/s.SPL GP (SR-23686[F] dated 02/12/2020)

W.P. (MD) No.16556 of 2020

01.12.2020

MA (CO)

KB (14.12.2020) 3P 5C