

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.01.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
WP.No.1324/2021
[Video Conferencing]

Central Bank of India
rep.by its Authorised Officer
Chief Manager Mr.Yegireddi Venugopalarao
AC-10, Second Avenue, Anna Nagar
Chennai 600 040.

.. Petitioner

Versus

The District Collector
First Floor, Collectorate
Kancheepuram 631501.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to dispose off and pass appropriate orders in the petition filed by the petitioner under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ['SARFAESI'] dated 28.08.2019 pending on the file of the respondent at the earliest.

For Petitioner : Mr.Nithyaesh Natraj

For Respondent : Mr.R.Vijayakumar
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.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondent.
- (3) The petitioner/Bank granted financial assistance to one Thiru.E.Iyappan, S/o.Elumalai, and his mother Mrs.E.Kamal, W/o.Elumalai, residing in new Door No.52, Old No.92, Nainiappa Nagar, Pudupakkam, Chennai 600 014, by way of Housing Loan for a sum of Rs.32 Lakhs for which, security documents also came to be executed and the borrowers were not able to service the debts and therefore, the Loan accounts were classified as Non Performing Assets on 28.01.2018 and it was followed by proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [in short 'SARFAESI Act'] in the form of section 13[2] Notice dated

03.04.2018, in and by which, a sum of Rs.40,85,703/-, due and payable as on 28.01.2018, was demanded and the borrowers have failed to comply with the terms of the notice and it was followed by the Possession Notice under Section 13[4] of the Act dated 15.04.2018. The petitioner/Bank, in order to get the actual physical possession of the secured assets, filed an application/petition dated 28.08.2019 under sections 14[1] and [2] of SARFAESI Act and despite a lapse of nearly one year and odd, no orders have been passed and therefore, the petitioner is constrained to approach this Court, by filing this writ petition.

- (4) Mr. R. Vijayakumar, learned Additional Government Pleader appearing for the respondent would submit that the secured assets now falls within the jurisdiction of the newly created revenue District, viz., Chengalpet District and it also falls within the jurisdiction of Vandalur Taluk and the respondent has sent a communication in Na.Ka.No.38599/2019/M3 dated 19.11.2019 to the Tahsildar, Chengalpet, seeking certain details as to the secured assets and if this Court fixes outer time limit, appropriate orders would be passed by the respondent in accordance with law.
- (5) The Court heard the submissions of the learned counsel for the petitioner and also perused the materials placed before it.
- (6) This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, either in the application dated 28.08.2019 or in this writ petition, directs the respondent to consider and dispose of the petition/application dated 28.08.2019 filed by the petitioner/Bank u/s.14[1] and 14[2] of the SARFAESI Act, in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order/uploading of the order in the website and communicate the decision taken, to the petitioner/Bank.
- (7) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

The District Collector
First Floor, Collectorate
Kancheepuram 631501.

WP.No.1324/2021