

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.6782 of 2021

M/s. IIFL Home Finance Limited
Formerly known as
M/s. India Infoline Housing Finance Limited
At No.12A-10, 13th Floor, Parinee Crescenzo,
C-38 and C-39, G.Block, Behind MCA,
BandraKurla Complex,
Bandra East, Mumbai - 400 051

And its Branch office at
IIFL 9th Floor, Bascon Futura,
No.10/1, Venkatanarayanan Road,
T.Nagar, Chennai - 600 017
Through its Authorized Officer, Mr.R.Frazer

.... Petitioner

-vs-

The Chief Judicial Magistrate,
Chengalpet District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to expeditiously dispose of the petition filed by the petitioner under Section 14 of the SARFAESI Act and received by the respondent on 07.01.2020 in CrI.M.P.No.292/2020 pending before the respondent.

For Petitioner

: Mr.V.Balasubramani

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, claiming to be a secured creditor within the meaning of such expression in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, complains of the Chief Judicial Magistrate, Chengalpet sitting over a request made under Section 14 of the Act for executive assistance on January 7, 2020.

2. There is no doubt that the concerned official did not take steps over the last year or so in view of the initial lockdown and then the slow re-opening thereafter. However, the respondent is reminded that Section 14 of the Act of 2002 indicates a timeline within which executive assistance should be rendered to a secured creditor, subject to the relevant authority being satisfied on the basis of the declarations furnished by the secured creditor.

3. Though no adjudication is necessary at the stage of a Section 14 request, it is imperative that appropriate declarations as indicated in the provision are furnished for the relevant authority approached to be satisfied that the applicant before him is a secured creditor and qualifies to obtain the assistance under such provision.

4. W.P.No.6782 of 2021 is disposed of by directing the respondent to ensure that the request made under Section 14 of the said Act on January 7, 2020 is disposed of in accordance with law as expeditiously as possible and, preferably, within three weeks of the receipt of a copy of this order. If the respondent perceives that the petitioner herein does not qualify to receive any assistance, a speaking order in such regard should be passed within the same time. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

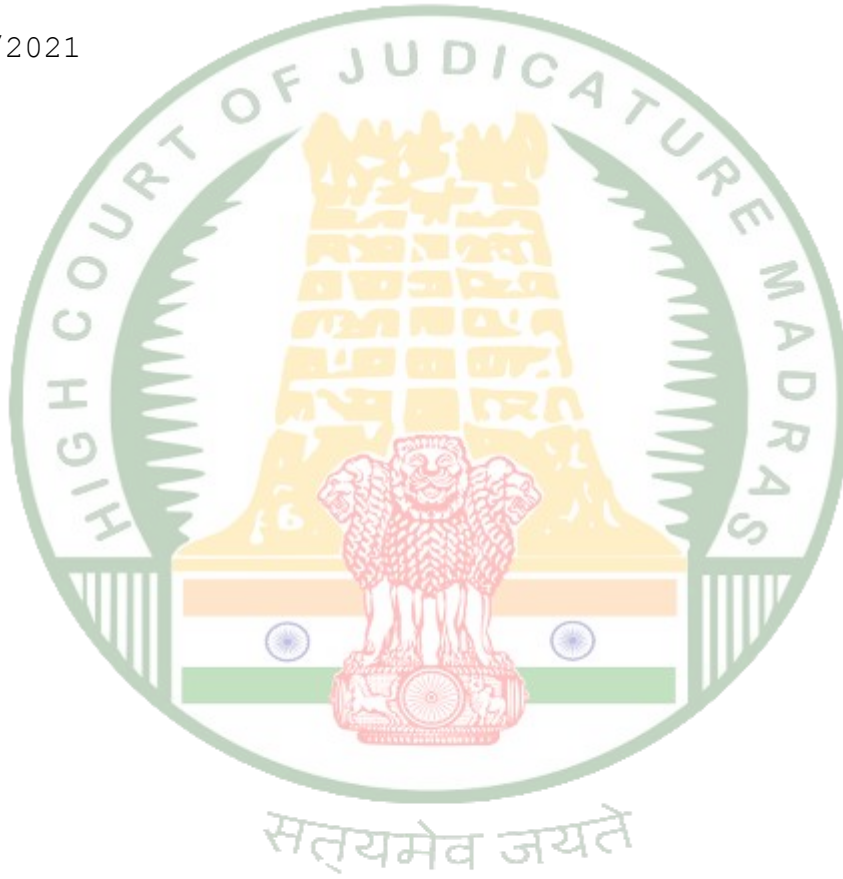
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To:

The Chief Judicial Magistrate,
Chengalpet District.

W.P.No.6782 of 2021

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srg 26/03/2021



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