

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3362 of 2021

M/s.Bank of Baroda, rep by its Chief Manager,
Erode Branch,
No.184, Ground Floor,
VCTV Main Road,
Erode - 638 003.

... Petitioner

Vs

1.The District Magistrate cum District Collector,
Namakkal District,
Collectorate Road,
Namakkal - 637 001.

2.The Revenue Divisional Officer,
SH 95, Thilaipuram,
Namakkal - 637 001,
Tamil Nadu.

3.The Tashildar,
Kumarapalayam Taluk,
Vijaya Thottam,
Kumarapalayam - 638 183,
Tamil Nadu.

4.M/s.Rajeswari Motor Pvt. Ltd.,
No.156, Perunthurai Road,
Palayapalayam,
Erode District - 638 011
rep. by its Managing Director Vijayaraj.

5.Shenbagadevi

... Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus directing the respondents

1 to 3 to take physical possession of the secured asset from the respondents 4 and 5 in pursuance to order dated 19.12.2019 passed by the 1st respondent in R.O.C. No.1529 of 2018 and to handover the same to the petitioner.

For Petitioner : Mr.R.Umasuthan

For Respondents : Mr.K.S.Suresh
Government Advocate
for respondents 1 to 3

ORDER

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

The grievance of the petitioning bank is that despite its request under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 being acceded to, no meaningful help was rendered in assisting the writ petitioner to take control of the relevant property.

2. W.P.No.3362 of 2021 is disposed of by permitting the writ petitioner to approach the Superintendent of Police exercising jurisdiction over the area. In the event the order passed on the request under Section 14 of the Act of 2002 remains unimplemented, the Superintendent of Police will render adequate assistance so that the order may be implemented in accordance with law.

3. In view of the order made, no previous direction was issued to effect service on the private respondents. The writ petitioner will, however, be obliged to immediately forward copies of this order to all the respondents. Consequently, W.M.P.No.3831 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Magistrate cum District Collector,
Namakkal District,
Collectorate Road,
Namakkal - 637 001.

2.The Revenue Divisional Officer,
SH 95, Thilaipuram,
Namakkal - 637 001,
Tamil Nadu.

3.The Tashildar,
Kumarapalayam Taluk,
Vijaya Thottam,
Kumarapalayam - 638 183,
Tamil Nadu.

4.The Managing Director Vijayaraj
M/s Rajeswari Motor Pvt. Ltd.,
No.156, Perunthurai Road,
Palayapalayam,
Erode District - 638 011.

+1cc to M/s.Umasudan, Advocate Sr.8771
+1`cc to the Government pleader Sr.8990

W.P.No.3362 of 2021

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srg 01/03/2021

सत्यमेव जयते

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