

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.7003, 7012, 7016, 7021 and 7025 of 2021

M/s.IDFC First Bank Limited,
Earlier Known as M/s.Capital First Home
Finance Limited,
Tower 2A & 2B, 10th Floor,
Senapati Bapat Marg, Lower Parel (West)
Mumbai - 400 013 and Branch Office at
Amarasri Building, No.455, Anna Salai,
Chennai - 600 018.
Rep. by its Authorised Officer
J.Neethirajan

... Petitioner
(in all writ petitions)

-vs-

1.Baranidharan.S
2.Mrs.Kokila D

... Respondents
(in W.P.No.7003 of 2021)

1.Mrs.Akilandeswari B
2.S.Baskar

... Respondents
(in W.P.No.7012 of 2021)

1.G.Ramkumar
2.Amudha R

... Respondents
(in W.P.No.7016 of 2021)

1.Mohideen Abdul Kadar
2.Mrs.J.Fathima Jan

... Respondents
(in W.P.No.7021 of 2021)

1.Stars & Stripes Enterprises Pvt Ltd,
Anton Towers, 5/2, 2nd Street,
Mahalakshmi Nagar,
Karambakkam Porur, Near Samsung,
Mobile show Room, Chennai - 600 116.

2.Avila Pigeon
3.Isabella A

... Respondents
(in W.P.No.7025 of 2021)

PRAYER in W.P.No.7003 of 2021: Petition filed under Article 226 of the Constitution of India praying for issue a Writ of Mandamus directing the Chief Judicial Magistrate, Chengalpattu to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002, to take possession of the secured Assets with respect to the petition bearing CrI.M.P.SR.No.4951 of 2020 filed by the Petitioner on 29.10.2020 which is pending on the file of the Chief Judicial Magistrate, Chengalpattu.

PRAYER in W.P.No.7012 of 2021: Petition filed under Article 226 of the Constitution of India praying for issue a Writ of Mandamus directing the Chief Judicial Magistrate, Chengalpattu to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002, to take possession of the secured Assets with respect to the petition bearing CrI.M.P.SR.No.4343 of 2020 filed by the Petitioner on 30.09.2020, which is pending on the file of the Chief Judicial Magistrate, Chengalpattu.

PRAYER in W.P.No.7016 of 2021: Petition filed under Article 226 of the Constitution of India praying for issue a Writ of Mandamus directing the Chief Judicial Magistrate, Chengalpattu to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002, to take possession of the secured Asset with respect to the petition bearing CrI.M.P.SR.No.3590 of 2019 filed by the Petitioner on 20.12.2019, which is pending on the file of the Chief Judicial Magistrate, Chengalpattu.

PRAYER in W.P.No.7021 of 2021: Petition filed under Article 226 of the Constitution of India praying for issue a Writ of Mandamus directing the Chief Judicial Magistrate, Chengalpattu to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002, to take possession of the secured Asset with respect to the petition bearing CrI.M.P.SR.No.3595 of 2019 filed by the Petitioner on 20.12.2019, which is pending on the file of the Chief Judicial Magistrate, Chengalpattu.

PRAYER in W.P.No.7025 of 2021: Petition filed under Article 226 of the Constitution of India praying for issue a Writ of Mandamus directing the Chief Judicial Magistrate, Chengalpattu to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002, to take possession of the secured Asset with respect to the petition bearing

Cr1.M.P.SR.No.4488 of 2020 filed by the Petitioner on 08.10.2020, which is pending on the file of the Chief Judicial Magistrate, Chengalpattu.

For Petitioner : Mr.S.Ramprasad
in all WPs

COMMON ORDER

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

These writ petitions are directed against the failure on the part of the authorities approached under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to provide executive assistance in terms of the requests of the secured creditor.

2. Section 14 of the said Act requires a secured creditor answering to the description in such statute to furnish certain declarations while approaching an executive functionary for assistance to obtain possession of the secured assets. The scheme of Section 14 precludes any adjudicatory function to be discharged by the authority approached thereunder. All that such authority has to do is to satisfy itself that the requisite declarations have been furnished, whereupon the authority accepts the declarations at face value and proceeds to render the assistance as sought in accordance with law. The provision also indicates the timeline within which assistance should be rendered, since, in many cases, the mortgaged properties may be in possession of the mortgagor or of others who may have been surreptitiously let into the same after the creation of the mortgage.

3. The authorities receiving requests under Section 14 of the Act are required to act prudently, take care that the declarations have been furnished as indicated in the provision and render assistance in a timely manner to ensure that the secured assets can be dealt with in accordance with law and without undue delay.

4. Accordingly, W.P.Nos.7003, 7012, 7016, 7021 and 7025 of 2021 are disposed of by directing the relevant authorities approached under Section 14 of the Act in each case to take up and dispose of the requests in accordance with law upon ensuring that the declarations required have been duly furnished by the secured creditor and rendering the requisite assistance, if satisfied. If the declarations have been furnished, appropriate action should be taken in each case within four weeks of the receipt of a copy of this order. If the assistance sought

cannot be extended on any ground whatsoever, 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

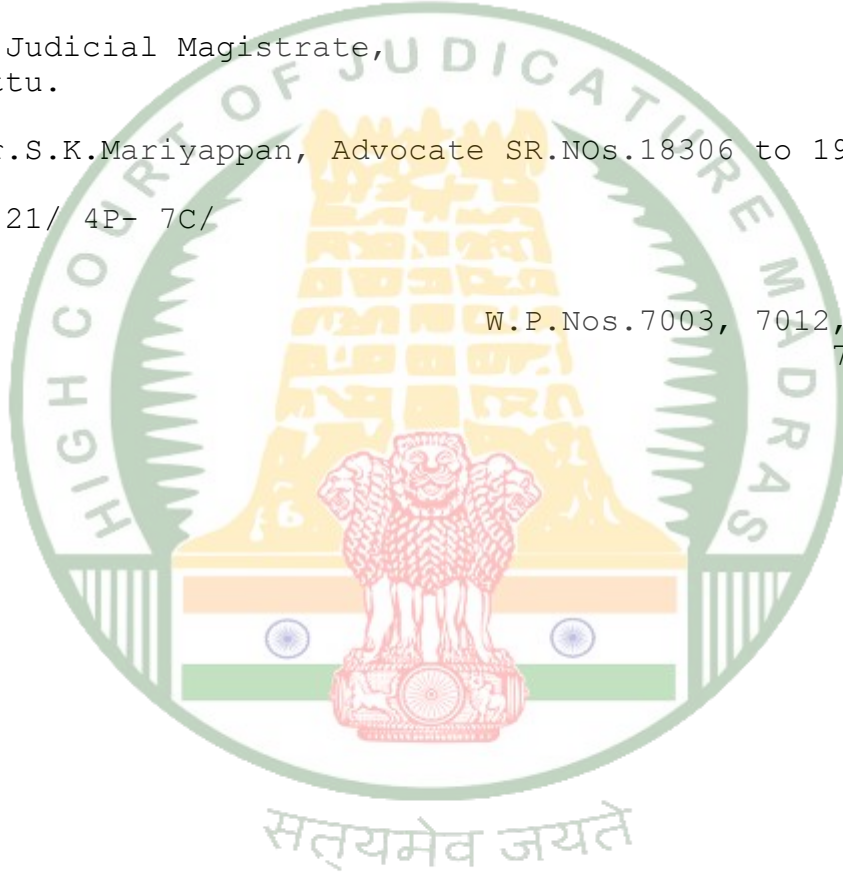
To:

The Chief Judicial Magistrate,
Chengalpattu.

+5cc to Mr.S.K.Mariyappan, Advocate SR.NOs.18306 to 19310

AKM/08.04.21/ 4P- 7C/

W.P.Nos.7003, 7012,7016,7021 &
7025 of 2021
18.03.2021



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