

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.10348 of 2021

M/s.Small Business Fin Credit India Pvt.Ltd.,
rep. by its Assistant Vice President
Rama Chandra Raju.P,
Unit No.103, 1st Floor, C&B Square,
Sangam Complex, CTS No.95A
127, Andheri Kurla Road, Village Chakala,
Andheri (East), Mumbai-400 059
and one of its branch at No.365
Poonamallee High Road,
Aminjikarai,
Chennai-600 030. ... Petitioner

-vs-

The Hon'ble Chief Judicial Magistrate,
Villupuram. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to pass necessary order in the Application dated 21.11.2020 filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in CrI.M.P.No.SR No.1178 of 2020 within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Shek Ismail

For Respondent : Mr.V.Jayaprakash
Narayanan
State Government Pleader

ORDER

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

In view of the order proposed to be made, no previous service is required to be effected on the respondent.

2. The petitioner says that the petitioner is a secured creditor within the meaning of that expression in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The grievance of the petitioner is that a request made under Section 14 of the said Act to the Chief Judicial Magistrate, Villupuram has not resulted in any action.

3. Section 14 of the Act permits a secured creditor to seek assistance for obtaining a secured asset or the documents pertaining thereto. The scheme of the provision is that such that upon an authority entitled to receive such request being approached and the declarations required to be furnished by the secured creditor being given, the relevant authority has to act within a time-bound period to render requisite assistance in accordance with law.

4. Accordingly, W.P.No.10348 of 2021 is disposed of by requesting the Chief Judicial Magistrate, Villupuram to dispose of the petitioner's request for executive assistance in accordance with law within a period of six weeks from date of receipt of a copy of this order. It is clarified that notwithstanding the nature of the duties generally discharged by a Chief Judicial Magistrate, when a request under Section 14 of the said Act is carried to such officer, no adjudication is required to be undertaken in disposing of such request. There will be no order as to costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

The Chief Judicial Magistrate,Villupuram.

+1cc to Mr.S.Sheik Ismail, Advocate SR.No. 25514

+1 cc to Government Pleader Sr.No. 25040

W.P.No.10348 of 2021

A.SK(18.05.2021)