

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7805 of 2021

The Authorized Officer,
South Indian Bank Limited,
Regional Office, Hameedia Centre,
No.63, Haddows Road,
Nungambakkam,
Chennai - 600 006. ... Petitioner

Vs.

- 1.The District Collector cum Magistrate,
The Nilgiris, Udhagamandalam,
Tamil Nadu.
- 2.The Revenue Divisional Officer,
Gudalur, The Nilgiris District,
Tamil Nadu.
- 3.The Taluk Executive Magistrate/Tahsildar,
Pandalur, The Nilgiris District,
Tamil Nadu.
- 4.A.P.Poulose,
Proprietor of Elavumkudy Tea Company,
9, 151, A-6, Devala, Gudalur,
The Nilgiris - 643 270.

5.T.E.Mary

6.Martin Poulose ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 2 and 3 to implement the order passed in RC.B3/9262/2018 dated 19.11.2019 by the first respondent within a time frame pertaining to the secured property belonging to the fourth respondent.

For Petitioner : Mr.M.L.Ganesh
For Respondent : Mr.R.J.Radhika
Government Advocate
for respondent Nos.1 to 3

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 respondents. The respondents 1 to 3 are the official respondents and the respondents 4 to 6 are the borrowers of the petitioner.

2. The petitioner, claiming to be a secured creditor within the meaning of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, carried a request under Section 14 of the said Act to the first respondent herein seeking executive assistance for the purpose of taking possession of certain secured assets for facilitating the sale thereof in accordance with the rights conferred unto such secured creditor by the said Act. The first respondent passed an order dated November 19, 2019 directing the Tahsildar and Taluk Executive Magistrate, Pandalur to take possession of the property described in the schedule to the order and report compliance.

3. The petitioner claims that notwithstanding the petitioner's repeated representations and the order dated November 19, 2019 being placed before the respondents 2 and 3, no action has been taken in terms thereof.

4. It is imperative that when authorities are approached under Section 14 of the Act of 2002, they render requisite assistance and ensure that their orders are followed through and not merely printed on paper. The scheme of the Act is such that it requires the speedy disposal of secured assets to unlock the money due. Section 14 of the Act does not call for any adjudication, but merely provides for executive support to be extended upon the authority being satisfied that the declarations required to be furnished by the secured creditor have been furnished.

5. Though the respondents 4 to 6 have been formally added as parties to the present proceedings, such respondents have no role to play in a matter pertaining to Section 14 of the said Act. Section 14 of the Act only involves the secured creditor and the concerned authority approached. Accordingly, no prejudice is caused by this order even though it directs the implementation of an order already passed and pertains to the

possession of a property being taken over or assisted in being taken over.

6. W.P.No.7805 of 2021 is disposed of by directing the third respondent herein to take immediate appropriate steps in terms of the order dated November 19, 2019 passed by the first respondent herein. It will also be incumbent on the first respondent to ensure that his relevant order has been duly complied with by the third respondent.

7. Indeed, when the relevant order required a compliance report to be filed, the first respondent should have inquired into the matter when a compliance report had not been filed within reasonable time of the order being passed. It is hoped that the requisite assistance is provided for the relevant assets to be taken possession by April 30, 2021.

There will be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

- 1.The District Collector cum Magistrate,
The Nilgiris, Udhagamandalam,
Tamil Nadu.
- 2.The Revenue Divisional Officer,
Gudalur, The Nilgiris District,
Tamil Nadu.
- 3.The Taluk Executive Magistrate/Tahsildar,
Pandalur, The Nilgiris District,
Tamil Nadu.

+1cc to The Government Pleader SR.NO..19925

AKM/01.04.21/3P-5C/

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