

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8901 of 2021

JM Financial Asset Reconstruction Co.Ltd.  
Having its registered office at  
7th Floor, Cnergy  
Appasaheb Marathe Marg  
Prabhadevi Mumbai 400025  
Rep. by its Assistant Vice president  
and Authorised Officer, Mr.Ashlesh Bal .... Petitioners

Vs

- 1.The District Collector Cum  
District Magistrate  
Kancheepuram District.  
Kancheepuram.
- 2.The District Collector Cum  
District Magistrate  
Chengalpattu District  
Chengalpattu. .... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to consider the representation of the Petitioner dated 17.11.2020 and 02.02.2021 to dispose of the application dated 04.01.2019 in Ref.No.229 of 2019 forwarded by the first respondent to second respondent within a time frame fixed by this Court.

For Petitioner : Mr.Y.Prakash

For Respondents : Mr.V.Jayaprakash Narayanan,  
State Government Pleader

ORDER

(Made by The Hon'ble Chief Justice)

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

2. 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 petitioner has applied to the second respondent for executive assistance under Section 14 of the said Act so that the petitioner can proceed against the secured assets. The relevant application has been filed in February, 2019 and does not appear to have received the attention of the concerned District Collector.

3. Section 14 of the Act of 2002 does not require any adjudication. The scheme of such provision is that certain declarations required to be furnished by the secured creditor, which declarations are to be accepted at face value by the authority approached under such provision. Once the declarations are furnished, the authority exercising jurisdiction under Section 14 of the said Act is mandated to provide executive assistance by way of police help or the like to enable the secured creditor to proceed against the secured assets, whether for the sale thereof or otherwise. The relevant provision indicates a time-frame within which such assistance is to be rendered.

4. Accordingly, W.P.No.8901 of 2021 is disposed of by requesting the second respondent to ensure that an appropriate decision is taken in accordance with law on the petitioner's application of January, 2019 within four weeks of receipt of a copy of this order. In the event the second respondent is of the opinion that the prayer for assistance ought to be declined, due reasons in support of such decision should be furnished.

5. The petitioner will immediately forward copies of the petition and this order to each of the respondents.

There will be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SRA

To

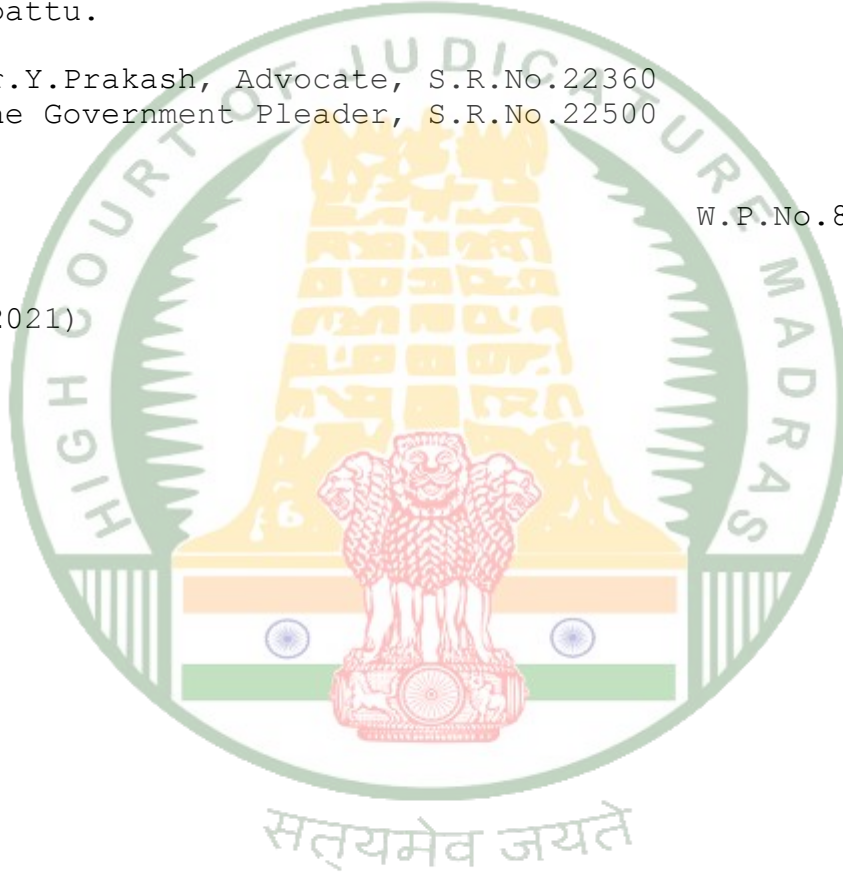
1.The District Collector Cum  
District Magistrate  
Kancheepuram District.  
Kancheepuram.

2.The District Collector Cum  
District Magistrate  
Chengalpattu District  
Chengalpattu.

+1cc to Mr.Y.Prakash, Advocate, S.R.No.22360  
+1cc to the Government Pleader, S.R.No.22500

W.P.No.8901 of 2021

PL (CO)  
TE(27/04/2021)



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