



WEB COPY

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.8915 of 2021

M.Anantha Kumar

... Petitioner

Vs

1 The District collector
and the District Magistrate,
Tiruppur,
Tiruppur District.

2 The State Bank of India,
Avinashi Branch Rep by its Authorized
Officer Branch Manager
Having Office at
West Car Street,
Avinashi- 641 654.

3 P.Mohankumar

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st Respondent to pass final order in C.M.P.No.7129 of 2019 on the file of 1st Respondent filed by the 2nd respondent under section 14 of SARFAESI Act and consequently direct the Respondents to immediately hand over the physical possession of the petitioner property in S.F.No. 391/ 1A Rakkiyapalayam Village, Avinasi Taluk, Tiruppur District, measuring about 1650 Sq.Ft. of Land within a time-frame.

For Petitioner : Mr.K.Narayanan

For Respondents : Mr.V.Jayaprakash Narayanan,
State Government Pleader
for R-1



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. However, the petitioner will be obliged to forward copies of the petition and this order to the respondents within a week from date.

2. The petitioner has purchased an immovable property at an auction sale conducted by the second respondent bank pursuant to the second respondent taking measures under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It appears that the secured creditor has applied to the first respondent District Collector for appropriate assistance under Section 14 of the said Act, but despite such application being filed apparently in the year 2018, the assistance sought has not been rendered by the relevant 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.8915 of 2021 is disposed of by requesting the first respondent to dispose of the second respondent's request under Section 14 of the said Act in accordance with law as expeditiously as possible and, preferably, within four weeks of the receipt of a copy of this order. In the unlikely event that the prayer for assistance is declined, due reasons in support of the decision should be furnished.

There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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Tiruppur District.

2 The Authorized Officer,
Branch Manager
State Bank of India
Avinashi Branch
Having Office at
West Car Street,
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+lcc to the Government Pleader, S.R.No.22501

W.P.No.8915 of 2021

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