



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEAVALU

WP NO.23419 OF 2021
AND
WMP NOS.24693 AND 24694 OF 2021

1.K.Amsaveni
2.D.Amutha

...Petitioners

Vs.

1.The District Magistrte and
District Collector,
Dharmapuri District,
Dharmapuri

2.The Authorised Officer,
Indian Overseas Bank,
Sarumapatti Branch,
Erode District

3.A.D.Alagesan

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Roc.No.9998/2014/F1(8/14) dated 25.05.2018 and quash the same.

For the Petitioner : Mr.C.Prakasam

ORDER

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

The petitioner complains of an order dated May 25, 2018 by the District Collector, Dharmapuri, following a request made



by the respondent secured creditor under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

WEB COPY 2. Ordinarily, the writ court in exercise of its authority under Article 226 of the Constitution does not entertain such a challenge since, under Section 14 of the Act of 2002, only administrative assistance is extended to a secured creditor so that the secured creditor may have access to the secured assets or documents pertaining thereto or the like. However, the underlying measures adopted by a secured creditor under Section 13(4) of the Act may be questioned by any person aggrieved thereby before the appropriate Debts Recovery Tribunal under Section 17 of the Act.

3. However, if the assistance rendered is grossly disproportionate to what was asked for or may have been reasonable in the circumstances, such excessive administrative assistance may be questioned in proceedings under Article 226 of the Constitution. In the present case, it is not such aspect of the matter which is complained against; but the petitioner questions the very authority of the secured creditor to proceed against the securities for which administrative assistance was sought under Section 14 of the Act. Thus, this is a matter which has to be taken to the appropriate Debts Recovery Tribunal.

4. Accordingly, WP No.23419 of 2021 is not entertained and the petitioner is left free to pursue the jurisdictional Debts Recovery Tribunal in accordance with law. There will be no order as to costs. W.M.P.No.24693 and 24694 of 2021 are closed.

Sd/-
Deputy Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To:

1.The District Magistrte and
District Collector,
Dharmapuri District.



2.The Authorised Officer,
Indian Overseas Bank,
Sarumapatti Branch,
Erode District

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SMI(CO)
RVM(11/11/2021)

WP No.23419 of 2021