

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2021

CORAM

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

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12280 of 2021

M/s. IIFL Home Finance Ltd.
Formerly known as India Infoline Housing
Finance Ltd. (IIFL)
Having its registered office at
12-A-10, 13th Floor, Parinee Crescenzo
C-38 & C-39, G Block
Behind MCA, Bandra Kurla Complex
Bandra East, Mumbai 400 051.

Branch Office presently at:
3rd Floor, Kences Towers
New No.1, Ramakrishna Street
North Usman Road, T.Nagar
Chennai 600 017

Through its Authorised Officer
T.Vijayakumar

.. Petitioner

Vs.

The Chief Judicial Magistrate
Chengalpet District.

.. Respondent

Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the respondent to expeditiously dispose of the petition filed by the petitioner under Section 14 of the SARFAESI Act and received by the respondent on 07.01.2020 in CrI.M.P.No.269/2020 pending before the respondent.

For Petitioner : Mr.V.Balasubramani

ORDER

(Made by the Chief Justice)

The petitioning secured creditor seeks a direction on the Chief Judicial Magistrate, Chengalpet to expeditiously dispose of a request filed under Section 14 of the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. In view of the nature of the order sought and the order proposed to be made, no previous notice is required to be issued to the respondent. No notice is also required to be issued to the debtor in view of the scheme of Section 14 of the said Act.

3. Section 14 of the said Act contemplates executive assistance to be provided to a secured creditor answering to that description as defined in the Act to have access to the security interest or papers pertaining thereto. The exercise contemplated under Section 14 of the Act does not require any adjudication. Certain declarations are required to be furnished by a secured creditor. The veracity of the declarations cannot be gone into by the authority receiving a request under Section 14 of the Act; such authority has to take the declarations at face value and provide the assistance as sought in accordance with law.

4. Accordingly, it is imperative that a request made by a secured creditor under Section 14 of the Act is expeditiously dealt with, since the scheme of the Act is to ensure that the securities are dealt with and the money that is blocked is available to the system upon the secured asset being sold in accordance with law.

5. W.P.No.12280 of 2021 is disposed of by requesting the respondent Chief Judicial Magistrate, Chengalpet to deal with the petitioner's request under Section 14 of the Act filed on January 07, 2020 in accordance with law and provide the requisite assistance, if and to the extent permissible, within a period of six weeks of the receipt of a copy of this order. There will be no order as to costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kpl
To

The Chief Judicial Magistrate
Chengalpet District.

W.P.No.12280 of 2021

RP(CO)
A.SK(22.06.2021)