

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12440 of 2021

M/s.S.R.Cartons India Pvt. Ltd.,
rep. by its Managing Director S.Rasheed Ahmed,
S.F.No.611/2, Jorthalar Village,
Kodiur, Palacode Taluk,
Dharmapuri District. ... Petitioner

Vs.

- 1.The General Manager,
Tamil Nadu Industrial Investment Corporation Ltd.,
No.692, Anna Salai, Nandanam,
Chennai - 600 035.
- 2.The Regional Manager,
Tamil Nadu Industrial Investment Corporation Ltd.,
Near Salem Bus Stand,
Salem.
- 3.The Authorised Officer,
Tamil Nadu Industrial Investment Corporation Ltd.,
DDDC Building, Pennagaram Road,
Dharmapuri-636 702.
- 4.The Branch Manager,
Tamil Nadu Industrial Investment Corporation Ltd.,
DDDC Building, Pennagaram Road,
Dharmapuri-636 702. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the entire records pertaining to the passing of the order dated 26.11.2020 in CrI.M.P.No.143 of 2020 passed by the learned Chief Judicial Magistrate, Dharmapuri and quash the same and consequently direct the respondents to consider the

representation of the petitioner dated 07.04.2021 and to consider the same within a stipulated time.

For Petitioner : Mr.C.Umashankar

ORDER

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

The petition is utterly misconceived. The petitioner seeks to assail the order passed by the Chief Judicial Magistrate, Dharmapuri on a secured creditor's request under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. It is elementary that upon a request being made by a secured creditor under Section 14 of the Act, the authority approached has to look into the declarations furnished in terms of such provision and accept such declarations at the face value without seeking to ascertain the veracity thereof. Section 14 of the Act does not require any adjudication to be undertaken. All that the provision contemplates is for executive assistance to be extended to the applying secured creditor so that it has access to the securities and papers pertaining to the securities for expeditious disposal of the same and the unblocking of the finances in an NPA situation.

3. The authority approached under Section 14 of the Act is not required to issue any notice to the borrower or any other person. In the event any person is aggrieved by the directions issued by the authority under Section 14 of the Act, the remedy lies in questioning the measures taken by the secured creditor in accordance with Section 17 of the Act.

4. Accordingly, W.P.No.12440 of 2021 is dismissed and the petitioner is left free to approach the appropriate Debts Recovery Tribunal exercising jurisdiction over the relevant secured creditor, in accordance with law. There will be no order as to costs. Consequently, W.M.P.No.13229 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

- 1.The General Manager,
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Copy To
The Chief Judicial Magistrate,
Dharmapuri

W.P.No.12440 of 2021

BP (CO)
GMY (28/06/2021)

सत्यमेव जयते

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