



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14150 of 2021

1 A.Muralidharan
2 S.Arulanthu Sakkariyas .. Petitioners

Vs.

1 The District Collector / District Magistrate
Tiruppur
Tiruppur District.
2 The Chief Manager/ Authorized Officer
State Bank of India
Avinashi Branch
Avinashi - 641 654.
3 S.Ramesh
4 R.Bakiyalakshmi .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to take steps before the 1st respondent for early disposal of petition dated 9.12.2019 U/s. 14 of SARFESI Act and to hand over the physical possession of property comprised in survey No. 131 132 situated at Vijaya Garden Extension Nallur Tiruppur District to the petitioners by considering his representation dated 19.3.2020.

For Petitioner : Mr.K.Myilsamy
For Respondents: Mr.C.Harsharaj
Counsel for State for R-1
: Mr.M.L.Ganesh
for R-2



ORDER

(Made by the Hon'ble Chief Justice)

The grievance of the petitioner is that despite the petitioner having purchased the property at an auction sale in the year 2018, the respondent secured creditor has taken no steps to make over possession thereof to the petitioner albeit the petitioner having paid the entire consideration therefor.

2. The secured creditor is represented and submits that it has carried a request under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to the District Magistrate, Tiruppur. The secured creditor says that no steps have been taken by the District Magistrate to provide the executive assistance sought.

3. In matter after matter, it has been the constant refrain of this Court that authorities in receipt of requests under Section 14 of the Act must dispose of the same expeditiously. In the same breath, it must also be repeated that in course of dealing with a request under Section 14 of the Act no adjudication is undertaken. The authority in receipt of a request has to ascertain whether the declarations as required in the provision have been furnished and, if satisfied, the authority has to provide reasonable assistance as prayed for. No notice is required to be issued to the borrower or any third party and the authority has to treat the declarations at face value and not enter into the veracity thereof.

4. The interests of both the petitioner and the secured creditor would be best served if the first respondent District Magistrate is directed to dispose of the secured creditor's request under Section 14 of the Act that remains pending from December 9, 2019.

5. W.P.No.14150 of 2021 is disposed of by directing the District Magistrate, Tiruppur to take up the request under Section 14 of the Act made by the secured creditor on December 9, 2019 and provide such assistance as may be reasonably necessary. However, the District Magistrate should satisfy himself that the declarations required to be furnished have been duly furnished. It is hoped that the requisite assistance will be provided by the relevant District Magistrate within a fortnight of the receipt of a copy of this order. There will be no order as to costs. Consequently, W.M.P.No.15029 of 2021 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



sra

To:

1 The District Collector / District Magistrate
Tiruppur
Tiruppur District.

2 The Chief Manager/ Authorized Officer
State Bank of India
Avinashi Branch
Avinashi - 641 654.

+1CC to Government Pleader, Advocate SR No.35939

W.P.No.14150 of 2021

NRL (CO)
B.VC (02/08/2021)