

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14844 of 2020

S.C.P.Dhanapal

.. Petitioner

Vs

1 The District Collector
4th Floor, M.Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate
Chennai - 600 001.

2 The Authorised Officer
M/s.Repco Home Finance Ltd
No.55, Ramachandra Adithanar Road
(Gandhi Nagar 4th Main Road)
Adyar, Chennai - 600 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the proceedings passed by first respondent in its proceedings in Rc.J15/ 33169/2018, dated 17.03.2020 and quash the same as illegal, arbitrary, non est in law.

For Petitioner : B.Vijay

For Respondents : Mr.V.Jayaprakash
Narayanan
State Government Pleader
for 1st respondent

Mr.Om Prakash
Senior Counsel
for Mr.A.Ilangovan
for 2nd respondent

ORDER

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

This is a frivolous attempt by a borrower seeking to challenge the order made on a request by the secured creditor to the authority under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. It is elementary that Section 14 of the Act of 2002 only confers the named executive official with the authority to render assistance for the purpose of effectuating any measures taken by the secured creditor under Section 13(4) of the Act of 2002. At the stage of Section 14 of the Act of 2002, no debtor is allowed to have any say. Anything that a debtor can say regarding the measures taken by a secured creditor has to be by way of a petition under Section 17 of the Act of 2002 before the appropriate Debts Recovery Tribunal.

3. Accordingly, W.P.No.14844 of 2020 is dismissed by leaving it open to the writ petitioner to approach the appropriate Debts Recovery Tribunal in accordance with law. There will be no order as to costs. Consequently, W.M.P.Nos.18445 and 18447 of 2020 are closed.

4. It is recorded that pursuant to the previous direction of this Court, a partial deposit of Rs.25 lakh had been made by the petitioner with the secured creditor.

5. It will be open to the petitioner herein to cite Section 14 of the Limitation Act, 1963 for the duration that the petitioner has spent in this Court. However, it will be entirely up to the Tribunal to consider such prayer for condonation uninfluenced by the liberty in such regard granted by this order.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

1 The District Collector
4th Floor, M.Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate
Chennai - 600 001.

+4ccs to Mr.B.Vijay , Advocate SR.No. 9829,9585

+1 cc to Government Pleader Sr.No. 9549

W.P.No.14844 of 2020

A.SK(10.03.2021)