



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.18297 of 2021

The Authorized officer
Central Bank of India
No.19-A M.G. Road
Hosur 635 109.

... Petitioner

Vs

1 The Chief Judicial Magistrate
Krishnagiri Tamil Nadu

2 M/s.Sri A.L.Kempe Gowda Charitable Trust
Represented by its Trustees
No.5 Kempe Gowda Garden Kelamangalam road
Arasakppam Village Denkanikottai 635 107
Krishnagiri District ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st Respondent to dispose of the application filed under Section 14 of SARFAESI Act on 29/10/2020 within a time frame.

For the Petitioner : Mr.M.L.Ganesh

ORDER

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

In view of the order proposed to be made, no previous notice is issued to the respondents.

2. The petitioner intends to proceed against the securities furnished by the second respondent borrower under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner says that a request for administrative assistance made under Section 14 of the Act to the first respondent on October 29, 2020 has not yet been attended to.



3. It has been continuously pointed out by this court that authorities in receipt of any request under Section 14 of the said Act must attend to them with expedition. The very purpose of the Act of 2002 is to ensure that blocked finances are unblocked upon the securities being sold. It is towards such end that certain official functionaries have been given the authority to render administrative assistance to a secured creditor under Section 14 of the Act. Indeed, as noticed in several previous judgments of this court, Section 14 of the Act does not conceive of any adjudicatory function. Certain declarations have to be furnished by a secured creditor and the authority in receipt of such request under Section 14 of the Act has only to accept the declarations at face value without seeking to ascertain the veracity thereof. The concerned official is required to render expeditious assistance to enable the secured creditor to have access to the security or to the documents pertaining to the security.

4. There is no doubt that the intervening second surge of the pandemic prevented the first respondent from taking up the request of the petitioner in right earnest.

5. W.P.No.18297 of 2021 is disposed of by requesting the first respondent Magistrate to take up the petitioner's request under Section 14 of the said Act and dispose of the same within a period of four weeks of the receipt of a copy of this order. Usually, the concerned official in receipt of a request under Section 14 of the Act has to provide the assistance to the extent reasonable.

6. The petitioner will immediately forward copies of the petition and this order to the respondents. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-CO)

// True Copy //

Sub Assistant Registrar

sra

To:

1 The Chief Judicial Magistrate
Krishnagiri Tamil Nadu

Copy to

The Authorized officer
Central Bank of India
No.19-A M.G. Road
Hosur 635 109.

W.P.No.18297 of 2021

MG(CO)
B.VC (07/09/2021)