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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

WP No.24431 of 2021

&

WMP.No.25760 of 2021

M/s. Thillaikkarasai & Co.
Rep. by its Managing Partner
P.Mani Gounder
No.39, Chinnamuthu 3rd Street
Ediyankattuvalasu
Erode 638 011.

..Petitioner

Vs.

1. M/s. ASREC (India) Limited
Room No.3, 3rd Floor, Wellington Estate
53, Ethiraj Salai, Egmore
Chennai 600 008
rep. by its Authorized Officer.
2. The Karur Vysya Bank Ltd
Overseas Branch
Tiruppur.
3. The District Superintendent of Police
Tiruppur District
Tiruppur.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Chief Judicial Magistrate Court at Tirupur to dispose CMP No.542 of 2020 within stipulated time fixed by this Hon'ble Court and also to direct the first respondent to deliver physical possession of the auctioned property, viz. land and building in SF No.12/1 (New SF No.12/1A2) admeasuring to an extent of 2 acres of land out of the total extent of 5 acres and 72 cents land in Nallur Village, Tirupur Taluk, Nallur Sub Registration District in



Tiruppur District to the petitioner by seeking necessary aide of police protection from the third respondent.

For the Petitioner : Mr.P.Paramasiva Doss

ORDER

(Made by The Hon'ble Chief Justice)

The petitioner has purchased a property at an auction conducted by the first respondent Asset Reconstruction Company under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The immediate grievance of the petitioner is that the petitioner does not have access to the property despite the petitioner having apparently paid the full consideration for the property.

3. The petitioner speaks of a request made by the secured creditor with the Chief Judicial Magistrate, Tiruppur under Section 14 of the said Act. According to the petitioner, the Chief Judicial Magistrate, Tiruppur has not found it convenient to dispose of the matter for more than a year. However, the petitioner says that the matter was due to be taken up by the concerned Chief Judicial Magistrate on November 11, 2021 and the petitioner is not aware as to whether appropriate orders have been passed on the request or not.

4. Since the order proposed to be made herein will not prejudice any person, no previous notice is issued to any of the respondents.

5. W.P.No.24431 of 2021 is disposed of by requesting the Chief Judicial Magistrate, Tiruppur to dispose of CMP No.542 of 2020 in accordance with law, as expeditiously as possible and, preferably, within four weeks of the receipt of a copy of this order, if not already done by them. The concerned official is also reminded that it is imperative that request under Section 14 of the Act be dealt with as expeditiously as possible, since such provision does not envisage any adjudicatory function to be discharged by the official approached thereunder, but only administrative assistance to ensure that the secured creditor has access to the security or the documents in respect thereof.



6. There will be no order as to costs. WMP No.25760 of 2021 is closed.

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Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

kpl

To:

1. The Chief Judicial Magistrate,
Tiruppur.
2. The District Superintendent of Police
Tiruppur District
Tiruppur.
3. The Karur Vysya Bank Ltd
Overseas Branch
Tiruppur.

WP No.24431 of 2021

SMI (CO)
K.RK. (22.11.2021)