



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAISWAMY**

W.P.(MD) Nos.1461 and 1462 of 2019
and
W.M.P(MD)Nos.1242 & 1243 of 2019

W.P(MD)No.1461 of 2019

M/s. MAGMA HOUSING Finance Limited,
Represented by its Authorized Officer,
Navin's Presidium, 7-A, B-Block,
New No:17/19, Old No:103,
Nelson Manickam Road,
Chennai - 600 029.

.. Petitioner

Vs

1.The District Collector cum
District Magistrate,
Collectorate Building,
Thanjavur - 613 010.

2.P.Balakrishnan

3.Elisephgnanam

..Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the first respondent District Collector to consider forthwith the application submitted by the petitioner company dated 03.11.2017, under Section 14 of the SARFAESI Act, 2002 seeking to appoint the Assistant Registrar concerned or any other official to assist the petitioner company to take physical possession of the secured asset of the second and third respondents and to provide police protection and assistance during the process of taking over of possession.

For Petitioner : Mr.Ragatheesh Kumar
for ISAAC Chambers

For 1st Respondent : Mr.P.Thilak Kumar
Government Pleader

For 2nd Respondent : No Appearance



W.P(MD)No.1462 of 2019

M/s. MAGMA HOUSING Finance Limited,
Represented by its Authorized Officer,
Navin's Presidium, 7-A, B-Block,
New No:17/19, Old No:103,
Nelson Manickam Road,
Chennai - 600 029.

.. Petitioner

Vs

1.The District Collector cum
District Magistrate,
Office of the Collectorate,
Madurai - 625 001.

2.P.Barani Rajan

3.Chandra

4.Rajendran

5.R.Prabhakaran

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the first respondent District Collector to consider forthwith the application submitted by the petitioner company dated 20.11.2017, under Section 14 of the SARFAESI Act, 2002 seeking to appoint the Assistant Registrar concerned or any other official to assist the petitioner company to take physical possession of the secured asset of the respondents 2 to 5 and to provide police protection and assistance during the process of taking over of possession.

For Petitioner : Mr.Ragatheesh Kumar
for ISAAC Chambers

For 1st Respondent : Mr.P.Thilak Kumar
Government Pleader

For Respondents : No Appearance
2 to 5

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

These two petitions pertain to requests made by the petitioning secured creditor under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



2. In several matters, orders have been passed by this Court emphasizing the importance of the administrative officials approached with requests under Section 14 of the said Act to take prompt steps to extend the assistance necessary in accordance with law. Indeed, Section 14 is at the heart of the Act of 2002 as it gives access to the secured creditors to obtain the secured assets and to dispose of the secured assets without requiring the claim to be adjudicated upon prior thereto. In the light of the several previous orders of this Court highlighting the importance of requests under Section 14 of the Act to be dealt with expeditiously, W.P.(MD) No. 1461 of 2019 and W.P.(MD) No.1462 of 2019 are disposed of by requesting the relevant District Collectors to address the requests as expeditiously as possible and pass appropriate orders thereon in accordance with law within a period of six weeks of the receipt of the copies of this order.

3. It is made clear that the exercise of authority under Section 14 of the Act does not require any adjudication to be undertaken. Notices are not required to be issued to the borrowers. It is for such purpose that the submission made on behalf of a respondent borrower in these cases, that it has proposed a settlement, is not taken cognizance of while dealing with the matter.

4. There will be no order as to costs. W.M.P.(MD) Nos.1242 and 1243 of 2019 is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MNR/LR

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector cum
District Magistrate,
Collectorate Building,
Thanjavur - 613 010.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector cum
District Magistrate,
Office of the Collectorate,
Madurai- 625 001.

+2 CC to M/s.ISAAC CHAMBERS (K.Ragatheesh kumar), Advocate (SR-32895
[F] & SR-32896[F] dated 27/10/2021)

+1 CC to M/s.V.K. VIJAYARAGAVAN, Advocate (SR-32897[F] dated
27/10/2021)

+1 CC to M/s.SPL.GP (SR-32819[F] dated 27/10/2021)

W.P. (MD) Nos.1461 and 1462 of 2019

and

W.M.P (MD) Nos.1242 & 1243 of 2019

26.10.2021

MGJ/PM(08.11.2021) 4P 7C