



WEB COPY

W.P(MD)Nos.17200, 17201 and 17202 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.17200, 17201 and 17202 of 2021

M/s.Poonawalla Housing Finance Limited,
Formerly Magma Housing Finance Limited,
Nelson Manickam Road,
Chennai.

... Petitioner in all W.Ps'

Vs.

1.The District Collector and
District Magistrate,
Madurai District,
Madurai.

2.The Tahsildhar,
Madurai West Taluk,
Madurai District.

... Respondents in all W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Mandamus, directing the second respondent to implement the order passed by the first respondent in his proceedings in Roc.No.C6/34607/2019, dated 28.09.2020, Roc.No.C6/15573/2018, dated 10.10.2020 and Roc.No.C6/55700/2018, dated 10.10.2020 respectively, expeditiously to take possession of the secured schedule asset and hand over the same to the petitioner as per Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, in accordance with law within a time frame fixed by this Court.

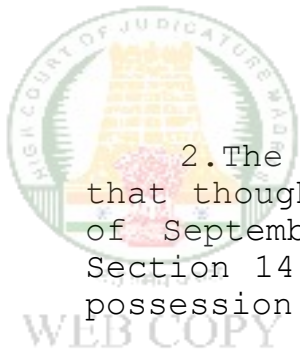
For Petitioner : Mr.A.Anbalakan
(in all W.Ps')

For Respondents : Mr.P.Thilak Kumar
(in all W.Ps') Government Pleader

COMMON ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner/Housing Finance Limited have filed the above Writ Petitions to issue Writs of Mandamus, directing the second respondent to implement the orders passed by the first respondent dated 28.09.2020, 10.10.2020 and 10.10.2020, expeditiously to take possession of the secured assets and hand over the same to the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.



2.The learned counsel appearing for the petitioner submitted that though the first respondent had passed the orders in the month of September and October, 2020 in the applications filed under Section 14 of the SARFAESI Act, the second respondent has not taken possession of the secured assets so far.

3.Mr.P.Thilak Kumar, learned Government Pleader, taking notice for the respondents submitted that the respondents may be directed to take possession to implement the orders passed under Section 14 of the SARFAESI Act, if the same has not been challenged by the aggrieved parties and an order of stay is obtained by them.

4.Having regard to the submissions made by the learned counsel on either side, though the first respondent had passed the orders in the month of September and October, 2020, the possession of the secured assets has not yet been taken by the second respondent so far. In these circumstances, if the orders passed under Section 14 of the SARFAESI Act by the first respondent has not been set aside or stayed by a competent forum, the respondents are directed to take physical possession of the secured assets within a period of four weeks from the date of receipt of a copy of this order.

5.With these observations, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

indu/ps

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 and
District Magistrate,
Madurai District,
Madurai.

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



2.The Tahsildhar,
Madurai West Taluk,
Madurai District.

+1 CC to M/s.SPL. GP (SR-30158[F] dated 24/09/2021)

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