



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. (MD) No.19065 of 2021

WEB COPY

Suresh Kumar

.. Petitioner

Vs.

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

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

3.The Authorized Officer,
Small Industries Development Bank of India,
Ground Floor, MADITSSIA Auditorium,
1A-4A, Dr Ambedkar Road,
Madurai - 625 020.

.. Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to take possession of the property being a building bearing Door No.10A/1, in Kodikulam Ist Street, Alagarkovil Main Road, Kodikulam, Madurai and to deliver the same to the third respondent in implementation of the order of the first respondent in ROC.No.C6/9187/2021, dated 23.04.2021.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Thilakkumar
Govt.Pleader For R1 & R2

ORDER

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

The grievance of the petitioner-auction purchaser is that despite an appropriate order passed on a request under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the second respondent-Tahsildar has not taken appropriate steps for the implementation



2. According to the petitioner, the auction was conducted by the third respondent-secured creditor on February 8, 2021 and the transaction was completed upon payment by February 15, 2021 and even the sale certificate was issued on February 19, 2021. However, due to certain impediments, possession of the immovable property could not be made over to the petitioner by the secured creditor. The secured creditor applied under Section 14 of the Act whereupon an order was made on April 23, 2021.

3. The petitioner says that though the Tahsildar has issued notice at least twice, the Tahsildar, has not taken necessary steps to make over possession of the relevant property to the petitioner or to the secured creditor in accordance with the directions issued under Section 14 of the Act.

4. Mr.P.Thilakkumar, learned Government Pleader, takes notice on behalf of the respondent Nos.1 and 2.

5. It cannot be overemphasised that it is imperative that immediate action be taken upon receipt of a request under Section 14 of the Act and the executive or administrative assistance that is sought thereunder is provided for the purpose of the secured creditor having access to the secured property or the documents pertaining thereto. Indeed, the scheme of the Act of 2002, envisages the security to be unblocked so that the same may be sold and dealt with for the non-performing asset to be liquidated and the blocked funds to be unblocked.

6. Accordingly, W.P.(MD)No.19065 of 2021 is disposed of by directing the second respondent-Tahsildar to take immediate appropriate steps in terms of the order dated April 23, 2021 and render such assistance thereunder in accordance with law to the respondent- secured creditor to enable the respondent-secured creditor to obtain possession of the relevant immovable property and make over the same to the petitioner-auction purchaser. The entire exercise should be completed within a fortnight of the receipt of a copy of this order.

There will be no order as to costs.

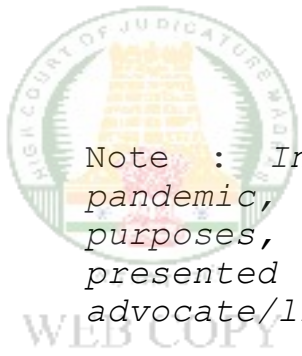
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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 Magistrate/The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai District.

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+1 CC to M/s.SPL.GP (SR-32552[F] dated 26/10/2021)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-32618[F] dated 26/10/2021)

**W.P. (MD) No.19065 of 2021
25.10.2021**

RK (01/11/2021) 3P 6C