



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.16186 of 2018

WEB COPY

The Authorized Officer,
M/s.Sundaram BNP Paribas Home Finance Limited,
No.46, White Road, Chennai - 600 014 and its
Branch Office at Door No.61/2694, First Floor,
South Main Street, Tanjore - 613 009,
Rep. by its Authorized Officer,
R.Shanmugaraja

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.

3.The Tahsildar,
Thanjavur Taluk and District.

4.A.Manimekalai

5.Punniyamoorthy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the third respondent to implement the order dated 28.09.2017 in R.C.No.9536/2016/C1, passed by the first respondent and the Proceedings dated 24.10.2017, in No.R.C.6761/2017/A3, passed by the second respondent, within the time limit to be fixed by this Court.

For Petitioner	:	Mr.M.Jerin Mathew for Mr.M.E.Ilango
For R1 to R3	:	Mr.K.P.Krishnadoss Special Government Pleader
For R4 and R5	:	No Appearance

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The private respondents, who are the borrowers of the petitioner Bank not represented before this Court, though a Vakalath has been filed.

2.After conclusion of the proceedings, an order was passed under Section 14 of the Securitization and Reconstruction of



Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as 'the SARFAESI Act'], way back in the year 2017, i.e., on 24.10.2017. The aforesaid order states that respondent No.3 shall facilitate taking over possession. This was followed by the letter of the petitioner, dated 21.05.2018. It appears, even now, the said order has not been given effect to. The learned Special Government Pleader submitted that the order would be given effect to within a reasonable time.

3.We are quite surprised as to how the order passed more than three years ago is yet to be given effect to. The scheme of the Act contemplates a procedure for recovery. If, for giving effect to the order passed under Section 14 of the SARFAESI Act, three years is taken, then, the very scheme of the Act itself is defeated. Accordingly, we direct respondent No.3 to take appropriate steps to take possession of the property, which is subject matter of the order, dated 24.10.2017, within a period of eight weeks from the date of receipt of a copy of this order.

4.This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CSIII)

// 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 Collector and District Magistrate,
Thanjavur, Thanjavur District.
- 2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.
- 3.The Tahsildar,
Thanjavur Taluk and District.

+1 CC to M/s.SPL GP (SR-13568[F] dated 25/03/2021)

+1 CC to M/s.M.E.ILANGO, Advocate (SR-13608[F] dated 25/03/2021)

W.P. (MD)No.16186 of 2018

24.03.2021

SSS (CO)

KB(09.04.2021) 2P 6C