



W.P.No.20560 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

W.P.No.20560 of 2022

Aditya Birla Finance Ltd.
Represented by its Authorised Officer
Shivarasan Devar
Regd. Office: Indian Rayon Compound
Veraval, Gujarat 362266.
Branch Office: Unit 10 & 12
4th & 6th Floor, Oval
venkatanarayana Road
T.Nagar, Chennai 600 017.

.. Petitioner

Vs.

1. M/s. KMP Spinners Private Limited
(Formerly known as Pavizham Spinners
Private Limited)
No.299/7, Paralkkdu, Ellanthaikuttai Post
Veppadai, Tiruchengode 638 008.

2. K.M.Paneerselvam
3. M.P.Sakthivel
4. M.P.Mohanasundaram
5. S.Subha

.. Respondents



W.P.No.20560 of 2022

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order dated 22.06.2022 in CrI.M.P.No.920 of 2022 on the file of the Chief Judicial Magistrate, Namakkal and quash the same and consequently, direct the Chief Judicial Magistrate, Namakkal to adjudicate the petition filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and dispose fo the same within a stipulated period.

For the Petitioner : Mr.C.Umashankar

For the Respondents : Mr.Sam Jayaraj Houston
for Respondent-1

No appearance -
Respondent-3

Not ready in notice -
Respondents 2, 4 & 5

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Umashankar, learned counsel for the petitioner and Mr.Sam Jayaraj Houston, learned counsel for the first respondent.

Page 2 of 6



W.P.No.20560 of 2022

WEB COPY

2. The order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is assailed by the petitioner.

3. The application filed by the petitioner is rejected only on the ground that the application was not filed by the Authorised Officer as defined under Rule 2(a) of the Security Interest (Enforcement) Rules, 2002.

4. Reliance is placed on the definition of "Authorised Officer" as enshrined under Rule 2(a) of the Rules.

5. It is admitted that the petitioner is not a public sector bank.

6. It is also not disputed that the person who filed the application on behalf of the petitioner bank under Section 14 of the Act was duly authorised by the resolution passed by the petitioner company and he had the necessary authorisation to file the same.



W.P.No.20560 of 2022

WEB COPY

7. No person is disputing the authority given to the petitioner. In view of that, it was futile for the authority to dilate on the said aspect.

8. In the light of that, the impugned order is set aside. The concerned Chief Judicial Magistrate shall take the application filed by the petitioner under Section 14 of the Act on file and decide the same on its own merits and in accordance with law expeditiously.

9. The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.20560 of 2022



WEB COPY



W.P.No.20560 of 2022

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

W.P.No.20560 of 2022

18.07.2023