



W.P.No.3847 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s. REPCO Home Finance Limited
Rep. by its Authorised Officer/
Assistant General Manager (Recovery)
K.Baggiyaraj
Plot No.4055, U Block
No.10, 1st Floor, 4th Main Road
Anna Nagar, Chennai 600 040.

.. Petitioner

Vs.

1. District Magistrate and District Collector
Chennai
Having office at 4th Floor, Singaravelar Maaligai
No.62, Rajaji Salai, Chennai 600 001.
2. The Tahsildar
Maduravoyal Taluk
Having office at No.35HF + 550, Bharathi Salai
Mogappair West, Ambattur Industrial Estate
Chennai 600 037.
3. The Deputy Commissioner of Police
Ramapuram



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.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to execute the order passed by the 1st respondent in Rc.115/24826/2018 dated 09.03.2020 under Section 14 of the SARFAESI Act and to take physical possession of the secured assets mentioned therein and hand over the same to the petitioner within a stipulated period.

For the Petitioner : Mr.A.Ilangovan

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for Respondents 1 and 2

Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Ilangovan, learned counsel for the petitioner,, Mr.T.K.Saravanan, learned Government Advocate for the respondents 1 and 2 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor, assisted by Mr.M.Sylvester John, learned counsel for the



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third respondent.

2. It is submitted that the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is passed on 09.03.2020. The same is not yet executed.

3. Learned Government Advocate submitted that as the stay was operating, the order could not be executed.

4. Learned counsel for the petitioner submits that the borrower did not comply with the condition imposed by the Debts Recovery Tribunal in his Securitisation Application and the stay has been vacated.

5. The petitioner shall bring this fact to the notice of the concerned authority with the relevant documents. The concerned authority shall verify the same and if there is no stay operating, then effective steps shall be taken for executing the order passed under



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Section 14 of the Act immediately.

6. The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J

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