



W.P.No.11553 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11553 of 2024

M/s.Perfect Tool and Die Makers Pvt. Ltd.

Rep. by its Director, N.K.Dinesh Kumar

Having Office at No.19 and 20

Saranya Nagar, Thirumudivakkam

Chennai – 600 132.

.. Petitioner

Vs.

1. M/s.Encore Asset Reconstruction Company Pvt. Ltd.

Rep. by its Authorised Officer

5th Floor, Plot No.137, Sector 44

Gurugram – 122 002, Haryana.

2. M/s.Encore Asset Reconstruction Company Pvt. Ltd.

Rep. by its Authorised Officer

Registered Office

Caddie Commercial Tower, Regus Business Centre

5th Floor, Aerocity (Dial)

New Delhi – 110 037.

3. M/s.Industrial Connections

Rep. by its Proprietor S.Elamathy

PK-17, 1st Floor, SDICO Industrial Estate

Guindy, Chennai – 600 032.



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4. S.Elamathy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the 1st Respondent to execute the order dated 25.07.2022 passed by the Honourable Chief Judicial Magistrate, Chengalpattu in CMP No 8201 of 2021 and to secure the vacant possession of the immovable property bearing Plot No.AC31/29 in the SIDCO Industrial Estate, Thirumudivakkam, Sriperumbudur Taluk, Kanchipuram District.

For the Petitioner : Mr.L.Dhamodharan

For the Respondents : Ms.S.R.Sumathy
Standing Counsel
for R1

No appearance for R2 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.L.Dhamodharan, learned counsel for the petitioner and Ms.S.R.Sumathy, learned Standing Counsel for the first respondent.

2. Learned counsel for the petitioner submits that the petitioner is the auction purchaser and the order is passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, [in short, "*the SARFAESI Act, 2002*"] on 25.07.2022, but the same is not yet executed.



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3. Learned counsel appearing for the first respondent submits that this Court allowed the borrower to remove the machinery within a period of six weeks under the order dated 22.01.2024 in W.P.No.1263 of 2024 and further directed that if the borrower does not remove the machinery, then the parties may take appropriate steps. The bank has given a letter for executing the order under Section 14 of *the SARFAESI Act, 2002*, however, because of the Lok Sabha elections, the same was not executed.

4. Learned counsel for the first respondent further submits that the bank would take active steps for execution of the order dated 25.07.2022.

5. In case there are no prohibitory orders and there is no impediment, the authorities and the bank shall take appropriate steps to execute the order dated 25.07.2022 expeditiously.



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6. The writ petition, as such, stands disposed of. There shall be no orders as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

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