



WEB COPY



W.P.No.16329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.16329 of 2024

Encore Asset Reconstruction Company Private Limited
having branch office at No.101, Executive Zone
Shakthi Tower 1, Ground Floor
766, Anna Salai, Mount Road
Chennai 600 002

represented by its Authorised Officer
Mr.B.M.Nagaraju

.. Petitioner

v.

1. The Sub Divisional Magistrate and
Revenue Divisional Officer
NH-45A, Villupuram Puducherry Road
Villupuram 605 602
2. The Deputy Superintendent of Police
Collector Office Road
Moovendar Nagar
Villupuram 605 602
3. M/s Fabulous Life Sciences
R.S.No.178/4, No.40 Thavalakuppam Main Road
Embalam, Puducherry 605 110



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4. Mrs.C.Chandrakala
5. Mr.Ross Rajeev Singh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to take physical possession of the schedule of property with the assistance of 2nd respondent and hand over the same to petitioner, in accordance with law.

SCHEDULE OF PROPERTY

All that piece and parcel of industrial land with building and plant and machinery at plot No.136, 137 & 138, comprised in Survey No.210/1F, Om Sakthi Nagar, Pallithennal, Villupuram Taluk and District, measuring to an extent of 3600 sq.ft and covered by the boundaries of the East by: Vacant West by: Road, North by: Road, South by: Vacant.

For Petitioner :: Mr.L.Thiyagaiya for
M/s L.Surya Associates

For Respondents :: Mr.M.R.Gokul Krishnan
Addl. Government Pleader
for R1 & R2
R3 to R5-Tapal returned 'Left'

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner has filed an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for taking physical possession of the secured



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asset against the respondents 3 to 5. The petitioner's application was favourably considered and upon satisfaction of the statutory requirements, the District Collector has now passed an order directing the Revenue Divisional Officer, Villupuram to take physical possession with the assistance of Deputy Superintendent of Police, Villupuram. Since the said order is not enforced by the official respondents, the petitioner has come by way of this writ petition for appropriate direction to the respondents for taking physical possession.

2. Despite notice being ordered to the respondents 3 to 5, the learned counsel appearing for the petitioner reports non-service on account of the postal endorsement that the addressees are not available. The petitioner has taken notice to the known addresses and therefore the private respondents are evading service.

3. Considering the facts narrated in the affidavit filed in support of the writ petition and the submission of the learned counsel appearing for the petitioner that the application under Section 14 can be disposed of without



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issuing notice to the borrower or the mortgagor, this Court is inclined to direct the respondents 1 & 2 to consider the representation of the petitioner and to take appropriate action for handing over physical possession of the secured asset of the respondents 3 to 5 in compliance of the direction of the District Collector, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition stands allowed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
22.07.2024

SS

To

1. The Sub Divisional Magistrate and
Revenue Divisional Officer
NH-45A, Villupuram Puducherry Road
Villupuram 605 602
2. The Deputy Superintendent of Police
Collector Office Road
Moovendar Nagar
Villupuram 605 602



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