



WP No.23079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Bank of India,  
Swarnapuri Branch,  
VSA Vanigavalagam,  
No.10, Omalur Main Road,  
New New Bus Stand, Salem 636 004  
rep. By its Authorised Officer

: Petitioner

versus

1.(Deleted as per order dated 7.8.2023)

2.M/s.Saravanan Global Products LLP  
Door No.6/336, Ettikutaimedu,  
Katchupalli post, Kognapuram via  
Edappadi Taluk, Salem 637 102

3.P.S.Sudharsan

4.P.Srinivasan

5.S.Kanchana

6.P.R.Sundararajan

7.M/s.Sai Health Care,  
rep. By its Managing Partner  
Mrs.Chandra

: Respondents

(7<sup>th</sup> respondent impleaded as per order in WMP No.30460/2023 dated 06.11.2023)



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 21.06.2023 in CrI.M.P.No.1176 of 2022 on file of the 1st respondent and consequently direct the 1st respondent to pass suitable orders to take physical possession of the secured assets covered under the application in CrI.M.P.No.1176 of 2022 and hand over the same to the petitioner.

For the Petitioner : Mr.F.B.Benjamin George

For Respondent No.7 : Mr.C.Mouli

No appearance for respondents 2 to 6

### **ORDER**

(Made by the Hon'ble Chief Justice)

We have heard Mr.F.B.Benjamin George, learned counsel for the petitioner and Mr.C.Mouli, learned counsel appearing for the seventh respondent.

2. The respondents 2 to 6 are served. Even final disposal notice was issued and the same was served on them. However, none appears for the said respondents.



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3. The application filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been rejected on the ground that the property in question is an agricultural land. Reliance was placed on the encumbrance certificate to conclude that the land in question is an agricultural land.

4. The learned counsel for the petitioner submits that the mortgaged document itself suggests that an industry is situated on the said land. The said document has not been considered.

5. The learned Chief Judicial Magistrate is bound to consider all the documents placed before it. If the loan is given for an industry and the industry is built on that land, then, that land would lose its character as an agricultural land. The mortgaged documents suggest that the land is mortgaged along with the building. The said aspect ought to have been considered. In fact, all the relevant documents are required to be considered.



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6. In light of that, the impugned order is quashed and set aside.

7. The learned Chief Judicial Magistrate, Salem, shall reconsider the application filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, on its own merits, after considering all the documents placed on record and pass a fresh order. The same shall be passed preferably within a period of four months from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. There shall be no order as to costs. Consequently, WMP No.22607 of 2023 is closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**05.01.2024**

Index : Yes/No  
Neutral Citation : Yes/No  
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AND  
D.BHARATHA CHAKRAVARTHY, J.

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