

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2018

BEFORE

THE HON'BLE MR. JUSTICE A.S.BOPANNA

WRIT PETITION NO.56186/2017 (GM-RES)

BETWEEN:

BHARAT CO-OPERATIVE BANK (MUMBAI) LTD.,
K.H.ROAD BRANCH,
NO.100, MONEY TERRACE,
K.H.ROAD,
BENGALURU-560027
REP. BY ITS DEPUTY GENERAL MANAGER,
AND AUTHORISED OFFICER,
SRI.BALAKRISHNA S KARKERA

... PETITIONER

(BY SRI PUNDIKAI ISHWARA BHAT, ADV.)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE
VIDHANA SOUDHA,
BENGALURU-560 001
2. THE DEPUTY COMMISSIONER
AND DISTRICT MAGISTRATE,
MANDYA DISTRICT,
MANDYA-571401

... RESPONDENTS

(BY SRI K P YOGANNA, HCGP.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
DIRECT THE R-2 TO DISPOSE OF THE APPLICATION FILED

BY THE PETITIONER UNDER SECTION 14 OF SARFAESI ACT, 2002 IN PROCEEDINGS AS PER ANNEX-C.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking issue of mandamus to direct respondent No.2 to dispose of the application filed by the petitioner under Section 14 of the SARFAESI Act, 2002.

The petitioner is said to have advanced loan to the borrower and since according to the petitioner the loan amount has not been repaid, the amount has been treated as NPA. In that view, the provisions of the SARFAESI Act has been invoked by the petitioner. In that light since the Deputy Commissioner – respondent No.2 is required to exercise the function as contemplated under Section 14 of the SARFAESI Act, the petitioner has filed the petition before respondent No.2 in that regard. Since the same has not been

considered and disposed of, the petitioner is before this Court.

In a matter of the present nature when it is seen that there is a statutory duty on the respondent No.2 to act in accordance with law and the same has not been complied, an appropriate direction is necessary to be issued. However, respondent No.2 while exercising such function shall keep in view the provisions of Section 14 of the SARFAESI Act and act in terms thereof and in accordance with law as per the merit of the case.

However, a consideration to dispose of the petition as at Annexure 'C' shall in any event be taken by respondent No.2 and the conclusion one way or the other shall be reached as expeditiously as possible but not later than three months from the date on which a copy of this order is furnished.

Petition is accordingly ***disposed of***.

**Sd/-
JUDGE**

SPS/bms