

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE DR.JUSTICE P.DEVADASS

WP.No.37868/2015

The Authorised Officer
Tamil Nadu Mercantile Bank Ltd.,
Chennai Anna Nagar Branch, TMB Pearl
Towers, First Floor, Plot No.4932, II
Avenue, Anna Nagar, Chennai-40.

.. Petitioner

vs.

1. The District Magistrate & District Collector
Kancheepuram District, Kancheepuram.
2. The Tahsildar,
Sriperumbudur Taluk
Sripurmbudur.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents No.1 and 2 to take action under section 14 of the SARFAESI Act within the specified period on the basis of the petition filed on 26.03.2015 and hand over possession of the property at Nadapathai Street, Venkadapuram Village, Kundrathur, Chennai-600055.

For Petitioner : Mr. S.Sethuraman

For Respondents: Mr.N.Sakthivel,
Government Advocate

ORDER

[Order of the Court was made by DR. P.DEVADASS, J.,]

Heard the learned counsel for the petitioner and Mr.N.Sakthivel, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2. By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is enforcing a secured asset as it was already classified a Non-performing Assets [N.P.A.]. Already notice under section 13[2] of the SARFAESI Act was given to the borrower to pay the dues and the statutory period of 60 days have gone ; but the amount has not been paid. The financial institution/petitioner has sought for assistance of the 1st respondent for taking possession of the said asset by filing a petition on 17.03.2015 under section 14 of the SARFAESI Act.

3. Now the grievance of the petitioner is that the said petition is kept pending. Under these circumstances, petitioner seeks issuance of a mandamus to the 1st respondent to perform his public duty.

4. In the facts and circumstances, the 1st respondent is directed to take further action on the petition dated 17.03.2015 presented by the writ petitioner under SARFAESI Act in accordance with law giving notice to all persons concerned, expeditiously, preferably within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is disposed of. No costs.

AP

Sd/-

Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

1. The District Magistrate &
District Collector
Kancheepuram District,
Kancheepuram.

2. The Tahsildar,
Sriperumbudur Taluk
Sriperumbudur.

+1 C.C. To MR.S.Sethuraman, Advocate in SR.NO.64938

+1 C.C. To The Government Pleader in SR.NO.64893

W.P.No.37868/2015

TM(CO)

sd : 15/12/2015