

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7257 of 2015

N.Chinnammal

... Petitioner

Vs

1. The Collector
Namakkal District Namakkal
2. The Revenue Divisional Officer
Tiruchengode Namakkal District
3. The Authorized Officer
Chief Manager State Bank of Mysore
Salem Branch Car Street Salem. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent herein to consider the petitioner representation dated 6.2.2015 by furnishing a copy of the proceedings dated 18.11.2014 pertaining to the property in question namely property bearing S.No.6/1 and 6/2 48 Kailasapalayam Village Tiruchengode Taluk.

For petitioner : Mr.G.Jeremiah

For Respondents : Mr.M.L.Mahendran, GA

ORDER

Heard the learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2. The petitioner seeks for a writ of mandamus to direct the 1st respondent to consider her representation dated 6.2.2015 and to furnish a copy of the proceedings dated 18.11.2014, passed by the 1st respondent under the SARFAESI Act.

3. It appears that the 3rd respondent Bank was the secured creditor and it has brought the property for auction sale. A challenge was made by the petitioner to the action initiated under the SARFAESI Act before the Debt Recovery Tribunal in S.A.No.115 of 2014, which was dismissed by order dated 26.12.2014. Pursuant to the order passed by the Debt Recovery Tribunal, the Bank has filed an application for taking possession of the property in question and the 1st respondent appears to have passed an order on 18.11.2014, which was not communicated to the petitioner. Therefore, the petitioner, now seeks for furnishing a copy of the said order.

4. In the light of the above, there will be a direction to the 1st respondent to consider and pass orders on the petitioner's representation on merits and in accordance with law, if there is no other legal impediment and if the order dated 18.11.2014 has not already been furnished to the petitioner, a copy of the same shall be furnished, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The Collector
Namakkal District Namakkal
2. The Revenue Divisional Officer
Tiruchengode Namakkal District
3. The Authorized Officer
Chief Manager State Bank of Mysore
Salem Branch Car Street Salem.

+1cc to M/s.Jeremiah, Advocate, S.R.No.14844
+1cc to the Government Pleader, S.R.No.14765

W.P.No.7257 of 2015

UG(CO)
CA(18/03/2015)