

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.9523 of 2015 and M.P. No.1 of 2015

V. Kamakshi

Petitioner

vs.

1 The District Collector
O/o the District Collector
Coimbatore District
Coimbatore

2 The Authorised Officer
Punjab National Bank
54, Sabari Salai
Binny Compound, Tirupur 641 601

3 K. Loganathan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the first respondent, his men or agent or any other person acting through them from, in any manner, invoking Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, pending disposal of the Interlocutory Application Nos.1096 and 1153 of 2014 in S.A. No.191 of 2013 on the file of the Debts Recovery Tribunal at Coimbatore with respect of the land and building in Survey No.494/1B with GF/FF/SF constructed the area measuring 4800 sq. ft., bearing Door No.16/29 (Area 4,883 sq. ft.), Hopes College Bus Stand, Site No.73, Sri Nagar Layout, Avinashi Main Road, Coimbatore.

For petitioner

Mr. R. Selvakumar

For R1

Mr. N. Sakthivel
Government Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent, the writ petition is taken up for final disposal at the admission stage itself, without issuing notice to respondents 2 and 3, as no order prejudicial to their interest, is passed herein.

2 The grievance of the petitioner is that in the pending SARFAESI Application in S.A. No.191 of 2013 on the file of the Debts Recovery Tribunal at Coimbatore, (for short "the Tribunal") filed by her, two Interlocutory Applications, being I.A. Nos.1096 and 1153 of 2014 have been filed seeking a direction not to dis-possess her, who is in possession of the property in question, till the disposal of the said SARFAESI Application.

3 Having regard to the facts of the case, as the SARFAESI Application is pending consideration before the Tribunal and also Interlocutory Applications, as aforesaid, have been filed for interim relief, we are not inclined to grant any relief, at this stage. However, we deem it fit and proper to direct the Tribunal to consider I.A. Nos.1096 and 1153 of 2014, as expeditiously as possible, preferably, within a period of one week from today and pass appropriate orders on merits and in accordance with law.

4 The writ petition stands disposed of with the above observation and direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

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Coimbatore District
Coimbatore

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