

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No. 38741 of 2015

The South Indian Bank Ltd.
Kellys Branch Prince Towers No.94
Purasawalkam High Road Chennai-10. Rep. by
its Chief Managar . & Authorised Officer. Petitioner

vs.

- 1 The District Magistrate
Kancheepuram.
- 2 M/s.Alpride Medics
L-5 Industrial Estate Ambattur Chennai-58.
Also at M/s.Alpride Medics No.4 Manicka
Pillai St. Mannurpet Ambattur Chennai-50.
- 3 Mr.R.Ramani
S/o.Mr.V.Ramu Partner M/s. Alpride Medics
269 2nd Main Road Natesan Nagar
Virugambakkam Chennai-92.
- 4 Mr.A.Ragunath
S/o.Mr.Alagusamy Partner M/s.Alpride
Medics G2 Madhurakali Flats Voltas Colony
2nd St. Nanganallur Chennai-61. Also at
Mr.A. Ragunath, S/o Mr. Alagusamy,
2nd floor, No.17 Azeez Mulk First Street,
Thousand Lights, Chennai.6.
- 5 Mr.G.Jaganathan
S/o.Mr.J.Govindasamy Partner M/s.Alpride
Medics Plot No.22 Door No.5 New Colony
Pallikaranai Chennai-601302.
- 6 Mrs.Kamamma
W/o.Late Balanarasaiah New No.7 Pillaiyar
Koil Street Zamin Royapettai Chromepet
Chennai-44.
- 7 Mr.Sreenivasan
S/o.Late Balanarasaiah New No.7 Pillaiyar
Koil St. Zamin Royapettai Chromepet
Chennai-44.

- 8 Mr.Vijayakumar
S/o.Late Balanarasaiah New No.7 Pillaiyar
Koil Street Zamin Royapettai Chromepet
Chennai-44.
- 9 Ms.Renuka Devi
D/o.Late Balanarasaiah New No.7 Pillaiyar
Koil Street Zamin Royapettai Chromepet
Chennai-44. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st Respondent to deliver physical possession of the Item-2 property described in writ petition within the time frame.

SCHEDULE OF PROPERTY

Item No.2:-

All that piece and parcel of land admeasuring 1980 sq.ft. with residential building new Door No.11, Old Door No.5, New Colony, 1st Street, Plot No.22 in S.Nos.494/2B, 493, 492/2 and 492/3 (As per Patta S.Nos.492/5, 493/7 and 494/16) and together with improvements thereon in Pallikaranai Village, Tambaram Taluk, Kancheepuram District, owner by Mr.G. Jaganathan, bounded on North by Plot No.13, Door No.14, South by Road, East by Plot No.21, Door NO.6 and West by Plot No.23 Door No.4, covered under Sale Deed No.2730/2000 dated 20.6.2000 of SRO Joint-1 Chennai South.

For petitioner : Mr. V. Bhiman
for
M/s. Sampathkumar & Associates

For respondents :Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R1

ORDER

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

Notice to respondents 2 to 9 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, the writ petition is taken up for final disposal.

2. The petitioner - South Indian Bank Limited, stated to be a secured creditor of the property in question, has come up with the instant writ petition for a direction to the first respondent/ District Magistrate, Kancheepuram, to deliver possession of the schedule property as mentioned in the application made before him under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act").

3. Learned counsel appearing for the petitioner submits that albeit the petitioner bank made the application on 12.02.2015, till date, no possession has been taken when the power under Section 14 of the SARFAESI Act is to be exercised expeditiously.

4. At this stage, learned Special Government Pleader appearing for the first respondent submitted that if the matter is still pending consideration, the same will be decided in accordance with law and on its own merits, after affording an opportunity of hearing to the concerned parties, as expeditiously as possible.

5. In such view of the matter, no observation is necessary except to direct the first respondent to consider the petitioner-bank's application and pass appropriate orders on merits and in accordance with law, expeditiously. No costs. In view of the foregoing, no order is necessary in WMP No. 517 of 2016.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ra

To

The District Magistrate
Kancheepuram.

1 cc to M/s. Sampathkumar, Associates, Sr. 4653
1 cc to Government Pleader, Sr. 4177

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W.P. No.38741 of 2015

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