

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2016

CORAM

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.43201 of 2016

M/s.Bank of India,
"Star House",
No.17, Errabalu Street,
Parrys, Chennai-1
rep. By its
Authorised Officer/Chief Manager
Mr.Meganathan ... Petitioner

vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Maduravoyal Taluk,
Tiruvallur District,
Tiruvallur.

3.M/s.J.J.Fluid Sales Corporation
rep. By its Partner Mr.C.Keikanth,
Plot No.7A, SIDCO Industrial Estate,
Kakkalur, Tiruvallur District,
Tiruvallur.

Also at
No.98 and 99,
7th Street, Ezhil Nagar,
Ayapakkam,
Chennai-77.

4. C.Jeikanth

5. J.Jeyasree

6. K.Murugaperumal

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents 1 and 2 to pass an order in the petitioner's

application dated 23.04.2015 under Section 14 of the SARFEASI Act and to take possession of the property within a time frame fixed by this Court.

For Petitioner : Mr.O.R.Santhanakrishnan
For Respondents : Mr.K.V.Dhanapalan,
1 and 2 Special Government Pleader

ORDER

(Order of the Court was made by Mr.S.MANIKUMAR, J.)

M/s.Bank of India represented by the Authorised Officer/Chief Manager has filed an application dated 23.04.2015 under Section 14 of the SARFEASI Act, 2002 seeking assistance. As the same is kept pending, the Bank has sought for Writ of Mandamus.

2. On 12.12.2016, we directed the learned Counsel for the petitioner to serve the entire cause papers on the Government Pleader to get instructions. We directed the matter to be listed on 19.12.2016.

3. On 19.12.2016, Mr.K.V.Dhanapalan, the learned Special Government Pleader appearing for the respondents 1 and 2 sought for time. We directed the matter to be listed on 20.12.2016.

4. Today, Mr.K.V.Dhanapalan, the learned Special Government Pleader for the respondents 1 and 2 reported that the District Collector-cum-District Magistrate, Tiruvallur, has directed the Tahsildar, Maduravoyal Taluk, Tiruvallur District, Tiruvallur, to submit a report which is yet to be done.

5. Proviso to Section 14 of the SARFEASI Act, 2002 states as follows:

"Provided further that on receipt of the affidavit from the Authorised Officer, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the second assets within a period of thirty days from the date of application.

(Provided further that if no order is passed by the Chief Metropolitan Magistrate or District Magistrate within the said period of thirty days for reasons beyond his control, he may, after recording reasons in writing for the same, pass the order within such also period but not exceeding in aggregate sixty days."

6. In the light of the mandate under Section 14 of the SARFEASI Act, 2002, the District Collector-cum-District Magistrate ought to have passed orders within the time frame. He has failed to do so and therefore, Mandamus has to be issued.

7. The 1st respondent, the District Collector, Tiruvallur, is directed to pass orders on the application of the petitioner dated 23.04.2015 filed under Section 14 of the SARFEASI Act, 2002, within a period of four weeks from the date of receipt of a copy of this Order.

8. Mr.K.V.Dhanapalan, the learned Special Government Pleader appearing for the respondents 1 and 2 is directed to communicate the orders of this Court to the District Collector, Tiruvallur, who shall pass orders within the time stated supra without waiting for the receipt of a copy of the orders from this Court.

9. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Maduravoyal Taluk,
Tiruvallur District, सत्यमेव जयते
Tiruvallur.

+1cc to Mr.R.Santhanakrishnan, Advocate, S.R.No.74345

PA(CO)
SK(21/12/2016)

W.P.No.43201 of 2016