



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P.(MD)No.13945 of 2016

The Authorised Officer,
State Bank of India,
Stressed Asset Management Branch
No.1112, Raja Plaza, Avinashi Road,
Coimbatore-641 037.

: Petitioner

Vs.

The District Magistrate and
the District Collector,
District Collectorate,
Theni.

: Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the respondent to take appropriate action in the SARFAESI Application No.8282 of 2015, dated 03.03.2015 filed under Section 14 of the SARFAESI Act by the petitioner banks, within a specified date to be fixed by this Court.

For Petitioner

: Mr.Sethuraman,

For Mr.N.Sivabalan

For Respondent

: Mr.M.Alagathevan,

Special Government Pleader

ORDER

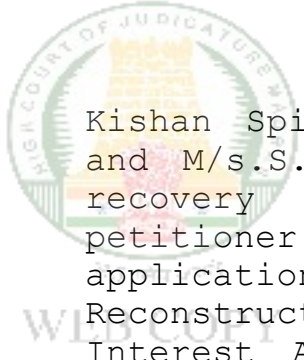
[Order of the Court was made by K.K.SASIDHARAN, J.]

Mr.M.Alagathevan, learned Special Government Pleader, takes notice on behalf of the respondent.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondent.

3. In view of the limited relief claimed by the petitioner, the Writ Petition is taken up for final disposal during the time of admission.

4. The petitioner initiated proceedings under the <https://hservices.ecourt.gov.in/hservices/ServiceDetails.aspx> and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, against M/s.Nisha



Kishan Spinning Mills (P) Limited, M/s.S.K.Aiyakkalai Nadar Son and M/s.S.K.A.P.Vajravel, stated to be a partnership firm, for recovery of the amount advanced for business purpose. The petitioner also moved the District Collector, Theni, with an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for taking possession. The application was numbered as SARFAESI Application No.8282 of 2015. It is the grievance of the petitioner that notwithstanding the expiry of more than one year, effort was not taken by the District Collector to dispose of the application. The petitioner is, therefore, before this Court.

5. The respondent is directed to consider and dispose of the application submitted by the petitioner in SARFAESI Application No.8282 of 2015 on merits and as per law, after issuing notice to the borrowers named in the notice issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, dated 02.01.2014 and giving them reasonable opportunity to submit their version. Such exercise shall be completed, within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To
The District Magistrate and
the District Collector,
District Collectorate,
Theni.

+One cc to Mr.N.Sivabalan, Advocate, SR.No.42190
+One cc to Mr.V.Karthikeyan, Advocate, SR.No.41930
+One cc to The Special Government Pleader, SR.No.42577
SML
RL/5C/2P/DB/12/8/2016

Order made in
W.P.(MD)No.13945 of 2016