



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.P(MD) No.20120 of 2016

WEB COPY

Tamilnadu Mercantile Bank Ltd.,
Rep. By its Chief Manager,
Aruppukottai Branch,
No.25, Virudhunagar Main Road,
Aruppukottai - 626 101,
Virudhunagar District.

... Petitioner

Vs.

The District Magistrate cum District Collector,
Virudhuangar District,
Virudhunagar.

... Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to take appropriate action and dispose of the SARFAESI application filed by the petitioner, dated 23.03.2016 and reminder, dated 28.07.2016 within a specified time to be fixed by this Court.

For Petitioner : Mr.V.Karthikeyan

For Respondent : Mr.A.K.Basakarapandian,
Special Government Pleader

ORDER

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

By consent, the Writ Petition itself is taken up for final disposal.

The Writ Petitioner/Bank had granted financial assistance to M/s. Aruppukottai Shri Ramalinga Roller Flour Mills Limited represented by its Managing Director and for the purpose of availing loan, they have also executed necessary security documents. Since the said Concern had committed default in payment of dues, demand notice, dated 21.11.2015 was issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to the Company as well as to the Managing Directors and it was followed by possession notice, dated 02.03.2016. It is the specific case of the petitioner that despite receipt of those notices, the Company as well as the Directors had failed to clear



the dues and therefore, the petitioner had approached the respondent under Section 14 of SARFAESI Act to take possession, in the form of petition, dated 23.03.2016 and since the said petition has not been considered they have also submitted a reminder representation, dated 28.07.2016, despite receipt and acknowledgment, so far, no orders have been passed. Therefore, the petitioner came forward to file this Writ Petition.

2. Heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader, who accepts notice on behalf of the respondents.

2. This Court taking into consideration the limited scope of the prayer made in this Writ Petition, without going into the merits of the claim projected by the petitioner, directs the respondents to consider the petitioner's petition, dated, 23.03.2016 as well as reminder representation, dated 28.07.2016 on merits and in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner forthwith.

This Writ Petition is disposed of accordingly. No Costs.

Sd/

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

The District Magistrate cum District Collector,
Virudhuangar District, Virudhunagar.

+2ccs to M/S.V.Karthikeyan, Advocate in SR.No.61343.

+1cc to Special Government Pleader in SR.No.62290.

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19.10.2016

pm

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