

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.4.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT. TEEKAA RAMAN

Writ Petition No.9144 of 2017

M/s. Shriram Housing Finance Ltd.
rep. by its Authorised Officer Asha Lukose
221, 1st Floor
Royapettah High Road
Chennai 600 004. Petitioner

Vs.

1. The District Collector/Magistrate
Kancheepuram.
2. Annadurai
3. Valli Respondents

Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the first respondent to
pass orders on the petition filed on 19.8.2017 under Section 14
(1) of SARFAESI Act, within a stipulated time.

For Petitioner : Mr.M.Ajmal Azzath

For Respondent-1 : Mr.P.S.Sivashanmughasundaram
Spl. Govt. Pleader

O R D E R

(Made by Huluvadi G.Ramesh,J)

The petitioner has filed this writ petition seeking a
direction to the first respondent to pass orders on the petition
filed on 19.8.2016 under Section 14(1) of SARFAESI Act.

2. Heard Mr.M.Ajmal Azzath, learned counsel appearing for
the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special
Government Pleader appearing for the first respondent.

3. The petitioner has extended housing loan to the respondents 2 and 3 and they were irregular in paying the monthly instalments. The petitioner, after declaring Non-Performing Asset, issued notice under Section 13(2) of the SARFAESI Act and since there was no response from the respondents 2 and 3, issued notice of symbolic possession under Section 13(4) and thereafter, published possession notice in two dailies. Consequently, for taking physical possession of the property, the petitioner filed a petition under Section 14(1) before the first respondent on 19.8.2016.

4. It is contended by the learned counsel for the petitioner that the first respondent, without passing orders on the petition under Section 14(1) of the SARFAESI Act within the stipulated period, is conducting enquiry in the presence of both the parties, which is not warranted as per Section 14(1).

5. In view of the submission made by the learned counsel for the petitioner and in view of the admitted fact that the petition under Section 14(1) of the Act is pending for more than eight months, we dispose of this writ petition directing the first respondent to consider the petition filed by the petitioner under Section 14(1) of the Act and to pass appropriate orders, on the basis of the materials available, within a period of two months from the date of receipt of a copy of this order, in accordance with law. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kpl

To

The District Collector/Magistrate,
Kancheepuram.

+1cc to M/S.M.Ajmal Azzath, Advocate Sr.75712

W.P.No.9144 of 2017

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srg 07/06/2017