

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.6.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDRA

W.P.Nos.16189 and 16190 of 2017

W.P.No.16189 of 2017

Vijaya Bank,
Dr.Nanjappa Road Branch,
No.454, Dr.Nanjappa Road,
Coimbatore 641 018.
rep. by its Chief Manager &
Authorised Officer.

Petitioner

Versus

The District Collector,
(District Magistrate),
Coimbatore District, Coimbatore.

Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to pass appropriate orders in the petitioner's application received by him on October 2016 under Section 14 of the SARFAESI Act rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured asset as set out therein.

W.P.No.16190 of 2017

Vijaya Bank,
Raja Plaza, 3rd Floor,
No.1112, Avinashi Road,
Near Lakshmi Mills,
Coimbatore 641 037.
rep. by its Chief Manager

Petitioner

Versus

The District Collector,
(District Magistrate),
Namakkal District, Namakkal.

Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to pass appropriate orders in the petitioner's application received by him on December 2016 under Section 14 of the SARFAESI Act rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act to take vacant physical possession of the secured asset as set out therein.

For petitioner in
both cases

: Mr.P.Elayarajkumar for
M/s.Ramalingam and Associates

For respondent in
both cases

: Mrs.A.Srijayanthi,
Special Govt. Pleader

COMMON ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner-Bank and Mrs.A.Srijayanthi, learned Special Government Pleader, who takes notice on behalf of the respondent.

2. It appears that the petitioner-bank had provided financial assistance to the borrowers concerned viz., Mr.Boopathi Kannan, Proprietor of M/s.V.K.Engineering Works in respect of W.P.No.16189 of 2017 and Mr.S.Palaniappan, Proprietor of M/s.Omega Laboratories in respect of W.P.No.16190 of 2017 in the year 2015 and according to the petitioner, those borrowers had defaulted in repayment and hence, the Bank had initiated SARFAESI proceedings and treated the accounts of the abovesaid borrowers as Non-Performing Assets. It appears that thereafter, the petitioner-Bank had submitted applications under Section 14 of the SARFAESI Act to the respondent-authority in the month of October/December 2016 and having found no response from the authority, has come up with the present writ petitions.

3. Considering the above, it is for the respondent-District Collector to do the needful in accordance with law, at the earliest. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

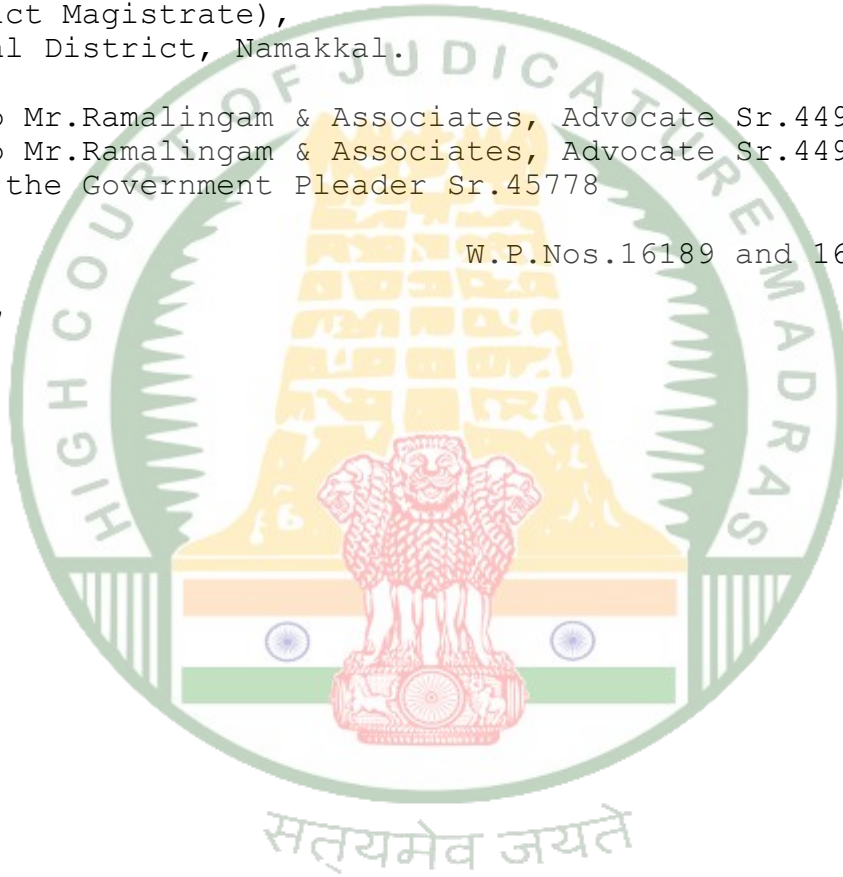
1. The District Collector,
(District Magistrate),
Coimbatore District, Coimbatore.

2. The District Collector,
(District Magistrate),
Namakkal District, Namakkal.

+ 2 ccs to Mr.Ramalingam & Associates, Advocate Sr.44932
+ 2 ccs to Mr.Ramalingam & Associates, Advocate Sr.44933
+ 1 cc to the Government Pleader Sr.45778

W.P.Nos.16189 and 16190 of 2017

GP(CO)
Eu 27.7.17



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