

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.26794 of 2017

MAGMA FINCORP LIMITED,
Rep. by the Authorised Signatory,
Mr.Godson Vinokaran

... Petitioner

vs.

1. The District Magistrate cum District Collector,
Office of Collectorate,
Erode District, Erode.

2. Mr.A.Prabhakaran

3. P.Vijayalakshmi

4. A.Muruganandham

5. M.Parasakthi

6. Sri Arumugam Bakery
Rep. by its Proprietor A.Prabhakaran

7. Sree Arumugam Family Restaurant,
6/984, Kavandapady Road,
K.R.Palayam, Bhavani,
Erode - 638 301.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the 1st respondent to pass an order on the petitioner application under Section 14(1) & (2) SARFAESI

Act, pending on the file of the 1st respondent as F.No.15182/2017 filed in

February 2017 and to dispose of the same within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.N.R.Rajagopalan

For Respondents : Mr.Elumalai (for R1)
Government Advocate.
Mr.Barath Kumar (for R2 to R7)

ORDER

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

Contending inter alia that an application dated 01.06.2017 filed under Section 14 of the SARFAESI Act, 2002, has not been disposed of by the District Magistrate cum District Collector, Erode District, 1st respondent, mandamus is sought for.

2. On 13.10.2017, we directed the learned Government Advocate to take notice and to obtain necessary instructions on the prayer sought for. We directed the Registry to post the matter on 20.10.2017. Thus, it is listed today.

3. Reverting, on instructions Mr.Elumalai, learned Government Advocate, submitted that on receipt of an application under Section 14 of the SARFAESI Act, 2002, the District Magistrate cum District Collector, Erode District has issued proceedings dated 03.10.2017 to the Authorised Officer

of the Bank and Mr.A.Prabakaran, borrower and others / respondents 2 to 7 in the instant writ petition, calling upon them to appear and submit documents, so as to enable the District Magistrate cum District Collector, Erode District, 1st respondent herein to pass orders. Added further, Mr.Elumalai, learned Government Advocate submitted that after verifying the documents and reviewing the records, orders would be passed within seven days from the date of hearing.

4. Mr.Barath Kumar, learned counsel appearing for Mr.A.Prabhakaran, borrower/2nd respondent, submitted that the said respondent expired recently. He further added that District Magistrate cum District Collector, Erode District be directed to postpone passing of the orders on the application under Section 14 of the SARFAESI Act.

5. Placing on record the above submission, Mr.Barath Kumar, learned counsel for the 2nd respondent (since deceased) is directed to furnish the details of legal representatives of Mr.A.Prabhakaran / borrower to the District Magistrate cum District Collector, Erode District.

6. Legal representatives of Mr.A.Prabakar (since deceased) also shall appear and produce documents, as and when required by the District Magistrate cum District Collector, Erode District, to pass orders.

7. Request of the learned counsel for the borrower/2nd respondent to postpone passing of the orders under Section 14 of the SARFAESI Act, 2002, cannot be accepted, as the said authority is bound to pass appropriate orders, after satisfying the requirements under Section 14 of the SARFAESI Act, 2002, within a period provided therefor, under the statute.

8. With the above observations, the District Magistrate cum District Collector, Erode District, shall obtain necessary details from the bank or the legal representatives of the deceased, within a period of two weeks. Bank is also at liberty to furnish particulars within the abovesaid period. On receipt of the particulars either from the legal representatives of the 2nd respondent or the bank, as the case may be, District Magistrate cum District Collector, Erode District, is directed to pass appropriate orders within a period of four weeks, thereafter. Writ petition is disposed of. No costs.

WEB COPY

Index: Yes/No.
Internet: Yes

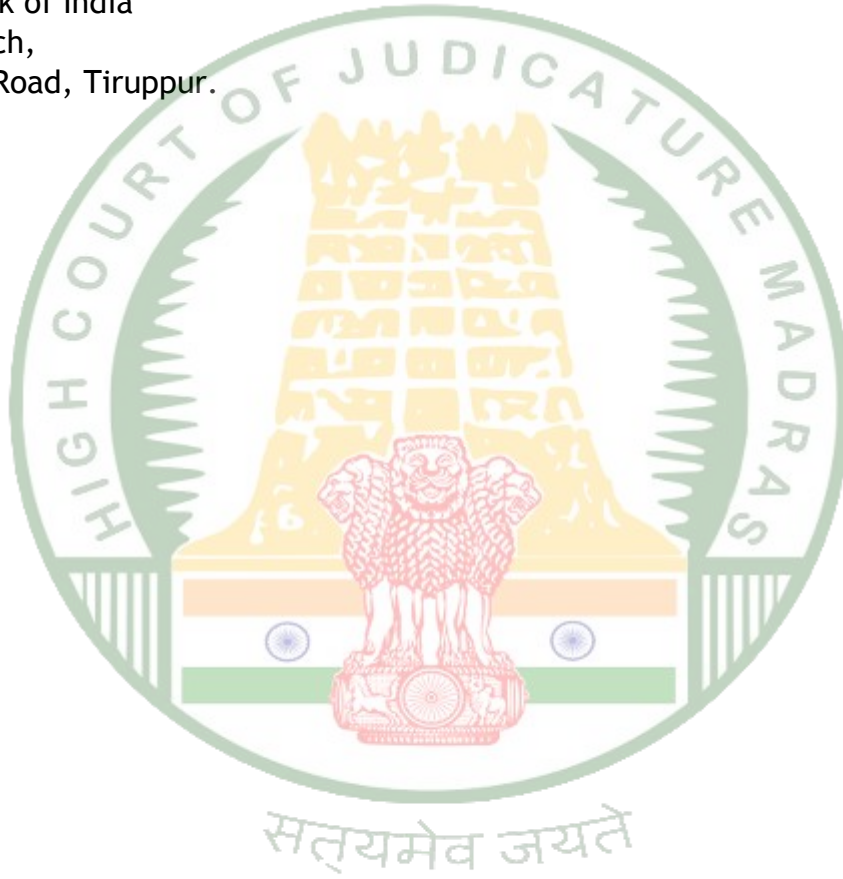
(S.M.K., J.) (R.S.K., J.)
20.10.2017

ars

To

1. The District Magistrate and
District Collector,
Tiruppur, Tiruppur District.

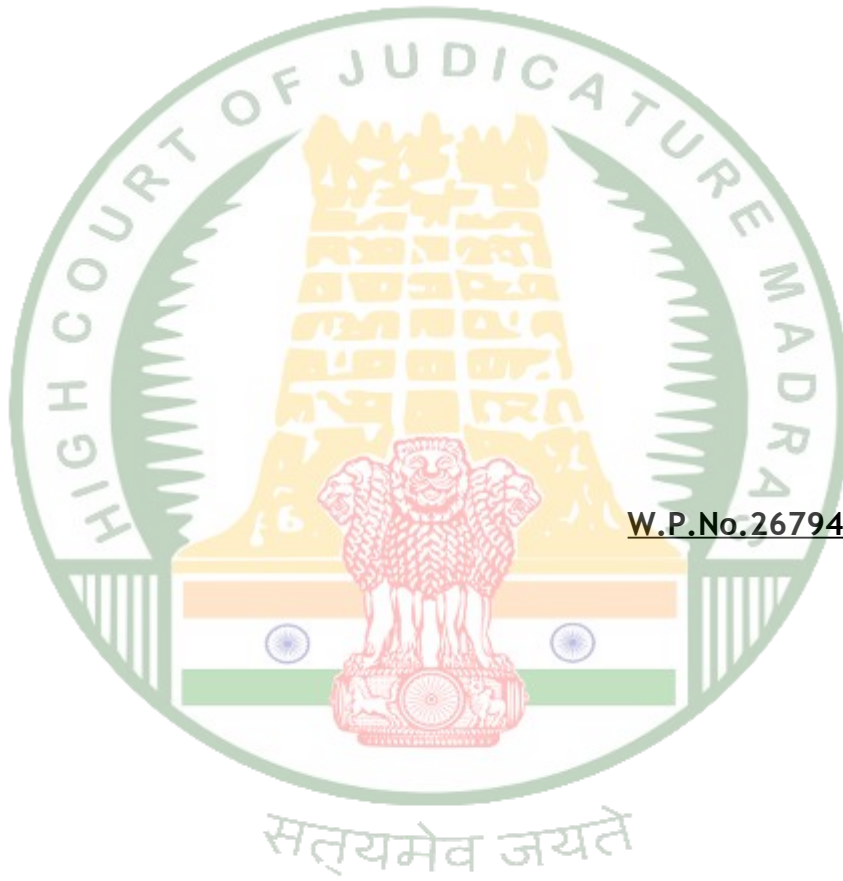
2. The Authorised Officer,
State Bank of India
SME Branch,
Uthukuli Road, Tiruppur.



WEB COPY

S.MANIKUMAR, J.
AND
R.SURESH KUMAR, J.

ars



W.P.No.26794 of 2017

WEB COPY

20.10.2017