

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.27302 of 2017

M/s.HDFC Bank Ltd.,
Represented by its Authorised Officer,
No.110, Ceebros Buildings, 4th Floor,
Nelson Manickam Road, Aminjikarai,
Chennai - 600 029. ... Petitioner

vs.

The District Collector,
Erode Collectorate,
Erode - 638 011 ... Respondent

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, direct the respondent herein to pass necessary order in the application dated 23.05.2017 filed by the petitioner under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.D.Sathyaraj
For Respondent : Mr.M.Elumalai
Government Advocate.

ORDER

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

For taking possession of the property mortgaged, HDFC Bank, Chennai has filed an application dated 23.05.2017 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, before the District Magistrate and District Collector, Erode District. Said application, has not been disposed of. Hence, mandamus is sought for, directing the District Magistrate and District Collector, Erode District, to pass orders within a time

frame to be fixed by this Court.

2. On this day, when the matter came up for admission, on instructions, from the District Magistrate and District Collector, Erode District, respondent herein, Mr.Elumalai, learned Government Advocate submitted that given a reasonable time, orders would be passed under Section 14 of the SARFAESI Act, 2002.

3. Placing on record the abovesaid submission and having regard to the statutory provision, Section 14 of the SARFAESI Act, 2002 and the date on which the application has been filed, we direct the District Magistrate and District Collector, Erode District, to pass orders on the application dated 23.05.2017, within a period of six weeks from today and while doing so, the said authority is directed to consider the parameters, set out in Section 14 of the SARFAESI Act, 2002.

4. Accordingly, writ petition is allowed. Learned Government Advocate is directed to communicate the orders of this Court to the District Magistrate and District Collector, Erode District, so as to enable him to pass orders, as directed. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1 The District Collector,
Erode Collectorate,
Erode - 638 011.

2 The District Magistrate,
Erode District.

+ 1 cc to Mr.D.Sathyaraj, Advocate Sr.No.76094

RRI 13/11/2017

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