



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.6272 of 2017

G.Murugan

... Petitioner

Vs.

1. The District Magistrate & District Collector,
Collectorate, Madurai-625 020.
2. The Chief Manager and Authorized Officer,
State Bank of India,
RASMECCC, Madhuram Complex,
2, Dr.Ambedkar Road,
Ground floor, Zonal Officer Building,
Madurai - 625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to proceed in accordance with law, assist the petitioner in taking possession of the property - Building at Plot No.5, Door No.4/149, Pankajam Colony, Chokkanathampatti Main Road, Tirumangalam Taluk, Madurai, as per the SARFAESI Act.

For Petitioner	: Mr.S.M.A.Jinnah
For R1	: Mr.V.Muruganantham Additional Government Pleader
For R2	: Mr.N.Dilip Kumar

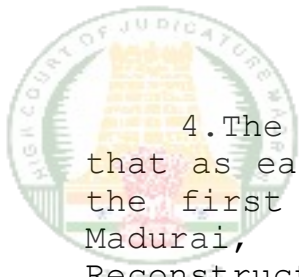
O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

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

2.Heard Mr.S.M.A.Jinnah, learned counsel appearing for the petitioner; Mr.V.Muruganantham, learned Additional Government Pleader appearing for the first respondent; and Mr.N.Dilipkumar, learned counsel appearing for the second respondent.

3.The petitioner seeks a direction upon the respondents to assist him to take possession of the property, which he has purchased in an auction sale conducted by the second respondent Bank.



4.The learned counsel for the second respondent Bank submitted that as early as in November 2015 they have filed a petition before the first respondent - District Magistrate & District Collector, Madurai, under Section 14(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as 'the SARFAESI Act'] to assist the Bank in taking possession of the property. The said application was entertained by the first respondent and by proceedings, dated 15.12.2015, certain clarifications were sought for. The Bank promptly, by reply dated 05.01.2016, clarified all the points. However, till date, the first respondent has not passed orders.

5.Mr.V.Muruganantham, learned Additional Government Pleader, who accepts notice on behalf of the first respondent, would submit that reasonable time may be granted to the first respondent to consider the petition filed by the second respondent Bank.

6.In the light of the abovesaid submission, this Writ Petition is disposed of directing the first respondent to consider the application filed by the second respondent Bank in November 2015 under Section 14 of the SARFAESI Act and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Magistrate & District Collector,
Collectorate, Madurai-625 020.
2. The Chief Manager and Authorized Officer,
State Bank of India,
RASMECCC, Madhura Complex,
2, Dr.Ambedkar Road, Ground floor,
Zonal Officer Building,
Madurai - 625 002.

+1cc to Mr.S.M.A.Jinnah, Advocate Sr.No.517687
+1cc to Spl.Government Pleader Sr.No.51467
+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.51198

smn2/bsd

vb/kp/sar4/26.04.2017/2p/6c