



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**AND****THE HONOURABLE MR.JUSTICE P.VELMURUGAN****W.P.[MD].No.7075 of 2017**

M/s.LIC Housing Finance Limited,
Madurai Back Office,
S.S.Tower, Fourth Floor,
78/4, Bye pass Road,
Madurai 625 010,
Represented by its Authorised Officer.

: Petitioner

Vs.

The District Collector/District Magistrate,
Tuticorin District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pass appropriate orders on the application dated 31.08.2016 submitted under Section 14 of the SARFAESI Act, on behalf of the petitioner and taken on file as Miscellaneous Application No.C4/25836/2016, on the file of the respondent and rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets as set out therein.

For Petitioner : Mr.V.Veera Pandian
For M/s.Vast Law Associates

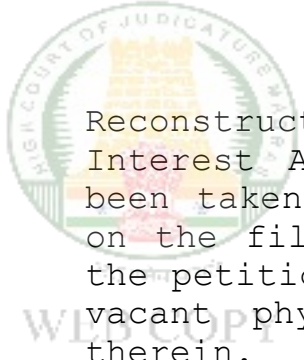
For Respondent : Mr.S.Chandrasekar
Government Advocate

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Veera Pandian, learned counsel appearing for the petitioner and Mr.S.Chandrasekar, learned Government Advocate, who accepts notice for the respondent. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

2. The petitioner is a Financial Institution and they have approached this Court, seeking a Writ of Mandamus directing the respondent to pass appropriate orders on the application dated 31.08.2016 submitted under Section 14 of the Securitization and



Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity "the SARFAESI Act"), which has been taken on file as Miscellaneous Application No.C4/25836/2016, on the file of the respondent and render necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets as set out therein.

3. It is seen that the application is pending since 31.08.2016 and till date, no orders have been passed. Earlier, before this Court, repeatedly, similar Writ Petitions have been filed by various Financial Institutions against the borrowers seeking directions to the District Collectors concerned to consider the applications filed under Section 14 of the SARFAESI Act. In fact, one such case in **W.P.(MD).No.12789 of 2016, dated 21.07.2016 (United Bank of India, vs. The District Collector / District Magistrate, Madurai District)**, the Division Bench issued general directions and directed the Registry to circulate the said order to all the District Magistrates so that the applications filed by the Financial Institutions are disposed of within a time frame. Thus, the respondents should ensure that the applications are not kept pending indefinitely and disposed of on merits and in accordance with law.

4. In the light of the above, the Writ Petition is disposed of, by directing the respondent to consider the application of the petitioner dated 31.08.2016 filed under Section 14 of the SARFAESI Act and pass appropriate 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 (AS)

/True copy/

Sub Assistant Registrar

To

The District Collector/District Magistrate,
Tuticorin District.

+1 CC to M/s.VASI LAW ASSOCIATES, Advocate, SR No. 52720

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 53168

NB

PSM/RR/SAR2/28.04.2017/2P/4C

ORDER MADE IN
W.P. [MD].No.7075 of 2017
19.04.2017