



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017

CORAM :

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

W.P.(MD)No.2962 of 2016

Tamilnad Mercantile Bank Ltd.,
No.T.P.4/212, Pazhayakadai Junction,
Tirupuram P.O. - 692 133,
Neyyanttinkara (Via),
Thiruvananthapuram District,
Rep. By its Authorized Officer.

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Collectorate Campus,
Nagercoil.

2.Mr.Kumaresan

3.Mrs.Rasheena

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the first respondent to comply with the requisites of Section 14(1) & (2) of the SARFAESI Act, as set out in the petitioner's legal notice, dated 23.09.2015, in pursuance of the petition, dated 20.09.2014.

For Petitioner	: Mr.A.R.M.Ramesh
For R1	: Mr.V.Muruganantham Additional Government Pleader
For R2	: No Appearance
For R3	: Mr.R.Gowrishankar

O R D E R

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

This Writ Petition has been filed to direct the first respondent to pass orders on the application filed by the petitioner Bank before the first respondent under Section 14(1) and (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to assist the petitioner Bank in taking possession of the secured assets.



2.It is pointed out by the learned counsel for the third respondent that the petitioner Bank has already approached the Debts Recovery Tribunal and this fact has not been mentioned in the affidavit filed in support of the Writ Petition.

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3.Be that as it may, the first respondent - District Collector, Kanyakumari District, is required to pass an order as to whether the petitioner Bank requires assistance in the matter for taking possession of the secured assets and as per the amended Act, there are certain parameters to be adhered to. Thus, there is no legal impediment for the first respondent to consider the said application.

4.Therefore, the first respondent is directed to consider the application filed by the petitioner Bank after issuing notice to the petitioner and the respondents 2 and 3 on merits and in accordance with law. The above exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To
The District Collector,
Kanyakumari District,
Collectorate Campus,
Nagercoil.

+1CC to M/S.A.R.M. Ramesh, Advocate, SR.No. 52637
+1CC to M/S.R.Gowri Shankar, Advocate, SR.No. 52449
+1CC to the Special Government Pleader SR.No. 52492

W.P(MD)No.2962 of 2016
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