

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.21918 of 2018

Central Bank of India,  
Kilpauk Branch,  
rep. by its Chief Manager Mr.R.S.N.Muralidharan,  
267, Kilpauk Garden Road,  
Kilpauk, Chennai - 600 010. ... Petitioner

-vs-

1.The District Magistrate/Collector,  
Thiruvallur District.

2.J.Basheer Ahmed

3.Rahimunisha

4.D.Johnson

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to pass an order in petitioner's Section 14(1) & (2) of SARFAESI Act petition dated 16.02.2018 and to handover the vacant possession pending on the file of the first respondent within a time frame as may be fixed by this Court.

For Petitioner : Ms.L.Poompavai

For Respondents : Mr.T.N.Rajagopalan  
Government Pleader  
for 1<sup>st</sup> respondent

ORDER

(Order of the Court made by The Hon'ble Chief Justice)

Mr.T.N.Rajagopalan, learned Government Pleader accepts notice on behalf of the first respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to pass an order on the petition dated 16.2.2018 filed by the petitioner under Section 14(1) and (2) of

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the first respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition filed by the petitioner Bank is pending since February, 2018, the first respondent-District Collector has not disposed of the same till date. He would submit that in view of the long pendency of the matter, the petitioner is not in a position to take possession of the property.

5. Learned Government Pleader submitted that the first respondent may be directed to dispose of the petition dated 16.2.2018 filed by the petitioner under Section 14 (1) and (2) of the SARFAESI Act within a period of six weeks.

6. Having regard to the submission made by the learned counsel appearing on either side and taking note of the limited prayer sought for in this writ petition, without expressing any opinion on the merits of the case, we direct the first respondent to consider and pass orders on the petition dated 16.2.2018 filed by the petitioner under Section 14(1) and (2) of the SARFAESI Act, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after giving notice to all concerned.

7. With these observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

To  
The District Magistrate/Collector,  
Thiruvallur District.

+1cc to Ms.L.Poompavai , Advocate SR.No. 59162

+1 CC TO GOVERNMENT PLEADER SR.NO. 58993

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sr(co) ASK(011/09/2018)