

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/6/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.13029 of 2018

M/s. GIC Housing Finance Ltd
rep. By its
Authorised Officer/Branch Manager
Mithun Mohan
No.383, 2nd Floor, Jaya Complex
100 Feet Road
Gandhipuram
Coimbatore 641 012.

....Petitioner

Vs

1. The District Magistrate/
District Collector
Coimbatore District.

2. M.Divya

3. Goutham

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus to direct the first respondent to pass suitable orders on the petitioner's application in DR.No.10216 of 2016 with respect to take possession of the secured assets situated at Coimbatore District, Mettupalayam Taluk, Chikkathasampalayam Village, comprised in S.F.No.315 (Town Survey No.244 part and ward No.22) bearing Door No.22.1.10 A, 22.1.10 A2 in S.S.Puram, 1st Street, measuring to an extent of 1492 sq.ft of land along with building to an extent of 1012 sq.ft and handover the possession to the petitioner.

For petitioner ... Mr.P.Saravana Sowmiyan

For respondents... Mr.M.Sricharan Rangarajan
Additional Government Pleader
for R.1

O R D E R
(Order of the Court was made by S.MANIKUMAR, J)

Contending inter alia that though an application, under Section 14 (1) of the SARFAESI Act, 2002 submitted by the Bank was taken, on file, in D.R.No.10216 of 2016 and is pending consideration, on the file of the District Collector-cum-District Magistrate, Coimbatore, for orders and further contending that there is a statutory duty, on the part of the said authority, to pass orders under the Act, not exercised, mandamus is sought for.

2. Pointing out the discrepancies, in the dates mentioned in the application, Mr.M.Sricharan Rangarajan, learned Additional Government Pleader made submissions, and further contended that there is no proof of acknowledgment of any such application.

3. As per the averments made in the supporting affidavit, petition filed under Section 14 of the Act, appears to be taken on file, in D.R.No.10216 of 2016, on the file of the District Collector-cum-District Magistrate, Coimbatore.

4. Having regard to the above, District Collector-cum-District Magistrate, Coimbatore, is directed to dispose of the petitioner's application, in D.R.No.10216 of 2016, as expeditiously as possible, not later than four weeks, from the date of receipt of a copy of this order.

5. With the above direction, writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

mvs.

To

1. The District Magistrate/District Collector
Coimbatore District.

+1 CC to Govt. Pleader sr 35845.

+1 CC to Mr.P. Saravana Sowmiyan, Advocate sr 35445

W.P.No.13029 of 2018

SP(20/06/2018)