

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2018

CORAM:

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

W.P.No.19701 of 2018
and WMP No.23131 of 2018

HDFC Bank Ltd.,
having its branch office at
No.6, Brindhavan Road, Fairlands,
Salem-636 016,
represented by its Legal Head,
P. Kasi Viswanathan ... Petitioner

vs.

1. The District Collector cum District Magistrate,
District Collector Office,
Namakkal District.
2. K.P.Sivaprakasam
3. K.Palanisamy ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the District Collector cum District Magistrate, Namakkal to expeditious disposal of the Application filed by the petitioner bank under Section 14 of SARFAESI Act filed on 01.03.2018 through Register Post in Ref.No.Na.Ka.7668/2018/M4 dated 07.03.2018 on merits within a time limit as may be fixed by this Court.

For Petitioner : Ms.Surasika Parthasarathy
for Mr.K.Govindarajan

For Respondents : Mr.N.Manikandan [for R1]
Government Advocate.

ORDER

Seeking assistance, for taking physical possession, HDFC Bank Limited, represented by its Authorized Officer, has filed an application dated 01.03.2018, under Section 14 of the SARFAESI Act, 2002, before the District Collector cum District Magistrate, Namakkal District, 1st respondent herein.

2. According to the petitioner, though the said petition is taken on file by the 1st respondent, the same is pending for nearly five months. Left with no other alternative, instant writ petition has been filed for a mandamus, directing the 1st respondent, to pass orders on the petition dated 01.03.2018, filed under Section 14 of the SARFAESI Act, within such time frame to be fixed by this Court.

3. Respondent Nos.2 and 3, are the borrowers. As the District Collector cum District Magistrate, Namakkal District, the 1st respondent is bound to pass orders on the application, we are of the view that there is no need to issue notice to respondent Nos.2 and 3. Hence, notice to respondent Nos.2 and 3, is waived.

4. On this day, when the writ petition came up for admission, on instructions, Mr.N.Manikandan, learned Government Advocate, inviting the attention of this Court to the letter dated 26.03.2018 of the Revenue Divisional Magistrate, Thiruchengode in Ref.No.Na.Ka.7668/2018/C submitted that some of the details sought for have not been furnished by the petitioner.

5. Mrs.Surasika Parthasarathy, learned counsel for the petitioner submitted that details sought for have been furnished.

6. Heard the learned counsel for the parties and perused the materials available on record.

7.Though, learned counsel for the parties have made rival submissions on the furnishing of details called for, Authorised Officer, HDFC Bank, Salem, is hereby directed to furnish the particulars called for, if not furnished earlier, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, District Collector cum District Magistrate, Namakkal, is directed to dispose of the application filed under Section 14 of the SARFAESI Act, 2002, within a period of three weeks, thereafter.

8.

8. If the Authorised Officer, HDFC, Salem, had already furnished the documents, as submitted by the learned counsel for the petitioner/Bank, the application, filed under Section 14 of the SARFAESI Act, 2002, be disposed of as expeditiously as possible within three weeks from the date of receipt of a

copy of this order.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

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To

The District Collector cum District Magistrate,
Namakkal District.

+2 cc to Mr.K.GOVINDARAJAN, Advocate SR.No.52126
+1cc to Government Pleader SR.No.54016

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AD(CO)
SMI/21.08.2018



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