

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.26357 of 2018

M/s.Edelweiss Housing Finance Ltd.,
rep. by its Authorised Officer,
Mr.M.P.K.Mahendra Varma.

.. Petitioner

-vs-

The District Collector / Magistrate,
Thiruvallur District, Thiruvallur.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the Respondent to pass orders on the petition filed on 28.12.2016 under Section 14 (1) of the Securitisation and Reconstruction of Financial Assets and Endorcement of Security Interest Act, 2002 and implement the same within the time fixed by this Court.

For Petitioner : Mr.S.Manimaran

For Respondent : Mr.A.Zakir Hussain
Government Advocate

ORDER

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

Mr.A.Zakir Hussain, learned Government Advocate accepts notice on behalf of the respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondent to pass an order on the petition dated 28.12.2016 filed by the petitioner under Section 14 (1) of the 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 respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 28.12.2016, the 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 respondent may be directed to dispose of the petition dated 28.12.2016 filed by the petitioner under Section 14 (1) 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 respondent to consider and pass orders on the petition dated 28.12.2016 filed by the petitioner under Section 14 (1) 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 the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

The District Collector / Magistrate,
Thiruvallur District, Thiruvallur.

+1cc to Mr.S.Manimaran, Advocate, S.R.No.69438

+1cc to the Government Pleader, S.R.No.69850

W.P.No.26357 of 2018

gj(co)
cs/26/10/2018