

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.27463 of 2018

M/s.Sundaram BNP Paribas Home Finance Ltd.,
formerly known as (Sundaram Home Finance Limited)
rep. by its Authorised Officer E.Lenin. ... Petitioner

-vs-

1.The District Collector,
Thiruvallur District, Thiruvallur.

2.Sampath Giri

3.Sarulatha

4.M/s.Speed Birds Private Limited,
rep. by its Sole Proprietor Sampath Giri,
015, First Floor,
Peters Road, Royapettah,
Chennai - 600 014. ... 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 application under Section 14(1) & (2) SARFAESI Act dated 06.10.2017 pending on the file of the first respondent within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Ms.L.Poompavai

For Respondents : Mr.T.N.Rajagopalan
Government Pleader
for 1st 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 06.10.2017 filed by the petitioner under Section 14 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 first respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 06.10.2017, 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 06.10.2017 filed by the petitioner under Section 14 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 06.10.2017 filed by the petitioner under Section 14 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(CO)

//True Copy//

Sub Assistant Registrar

bbr

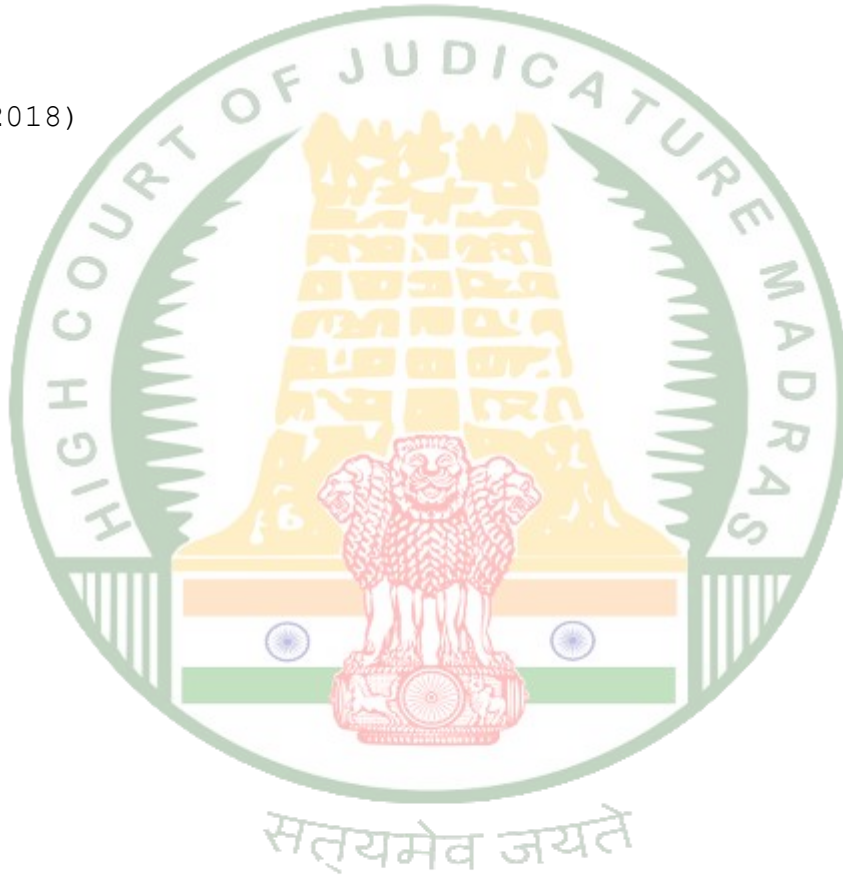
To

The District Collector,
Thiruvallur District, Thiruvallur.

+ 1 cc to Mr.L. Poompavai, Advocate Sr.72518
+ 1 cc to Mr.Government Pleader Sr.72745

W.P.No.27463 of 2018

RR(CO)
EU(13/11/2018)



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