

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.10.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.26763 of 2018

M/s.Sundaram BNP Paribas Home Finance
Ltd., rep. by its Authorised Officer,
E.Lenin. ... Petitioner

-vs-

1.The District Collector cum District
Magistrate, Kancheepuram District,
Kancheepuram.

2.S.Sankar

3.A.Gunavathy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st Respondent to pass an order in petitioner's application under Section 14(1) & (2) of SARFAESI Act dated 11.08.2017 pending on the file of 1st respondent within a time frame as may be fixed by this Court.

For Petitioner : M/s.L.Poompavai

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 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 11.08.2017 filed by the

petitioner under Section 14 (1) and (2) 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 Advocate appearing for the first respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 11.08.2017, 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 11.08.2017 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 11.08.2017 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 the above observation, the writ petition is disposed of. No costs.
Sra

Sd/-

Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

The District Collector cum District
Magistrate, Kancheepuram District, Kancheepuram.

+ 1 cc to M/s.L.Poompavai, Advocate S.R.No.71030
+ 1 cc to the Government Pleader, S.R.No.70817

KR/29/10/2018

W.P.No.26763 of 2018