

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.28210 of 2018

EDELWEISS HOUSING FINANCE LIMITED (EHFL)

Having their Regd. Office at
EHFL/ECLFL : Edelweiss House,
Off CST Road, Kalina,
Mumbai 400 098.

Having Regional Officer at
7th & 8th Floor, Kochar Tower,
No.19, Venkatnarayanan Road, T. Nagar,
Chennai-600017
through its Authorised Officer
Mahendra Varma.

.. Petitioner

-vs-

The District Magistrate cum District Collector,
Salem District,
Salem.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to pass orders in Section 14 Petition under SARFAESI Act filed by the petitioner before the respondent on 29.07.2016 bearing Ref: No.19500/2016/C5.

For Petitioner : Mr.V.Balasubramani

For Respondent : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

Mr.S.Kamalesh Kannan, 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 29.07.2016 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 Advocate appearing for the respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 29.07.2016, 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 Advocate submitted that the respondent may be directed to dispose of the petition dated 29.07.2016 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 respondent to consider and pass orders on the petition dated 29.07.2016 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(CS IX)

//True Copy//

Sub Assistant Registrar

bbr

To

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

+lcc to Mr.V.Balasubramani, Advocate SR.NO.73975
+lcc to Government Pleader SR.NO.73876

BR(CO)
sm:12.11.2018

W.P.No.28210 of 2018



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