

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.10.2018

CORAM :

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.28622 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 09.11.2016 bearing Ref: No.19498/2016/C5.

For Petitioner : Mr.V.Balasubramani
For Respondent : Mr.T.N.Rajagopalan
Government Pleader

ORDER

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

Mr.T.N.Rajagopalan, learned Government Pleader 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 09.11.2016 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 Pleader appearing for the respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 09.11.2016, 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 09.11.2016 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 09.11.2016 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 V)

//True Copy//

Sub Assistant Registrar

bbr

To

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

+1cc to Mr.V.Balasubramanian, Advocate, S.R.No.75383
+1cc to the Government Pleader, S.R.No.75256.

W.P.No.28622 of 2018

RR(CO)

rrs 26/11/2018