

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.28911 of 2018

M/s.Asset Reconstruction Company
of India Ltd., Rep.
by its Chief Manager-Legal ...Petitioner

-Vs-

The District Collector cum District
Magistrate, Kanchipuram,
Office of the Collectorate,
Kanchipuram District, Kanchipuram.Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to dispose of the Eviction Petition filed by the petitioner on 07.06.2018 thereby provide administrative assistance on an expeditious basis under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, to take possession of the Secured Assets with respect to the applications filed by the petitioner which is pending on the file of the respondent namely District Collector cum District Magistrate, Kanchipuram. (Prayer amended as per Order of Court dated 10.12.2018 in WMP.38010 of 2018)

For Petitioner : M/s.S.R.Sumathy

For Respondents: Mr.S.Kamalesh Kannan
Govt. Advocate

O R D E R

(Order of the Court was 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 application dated 07.06.2018 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 application was filed by the petitioner on 07.06.2018, 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 application dated 07.06.2018 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 application dated 07.06.2018 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.
sra

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

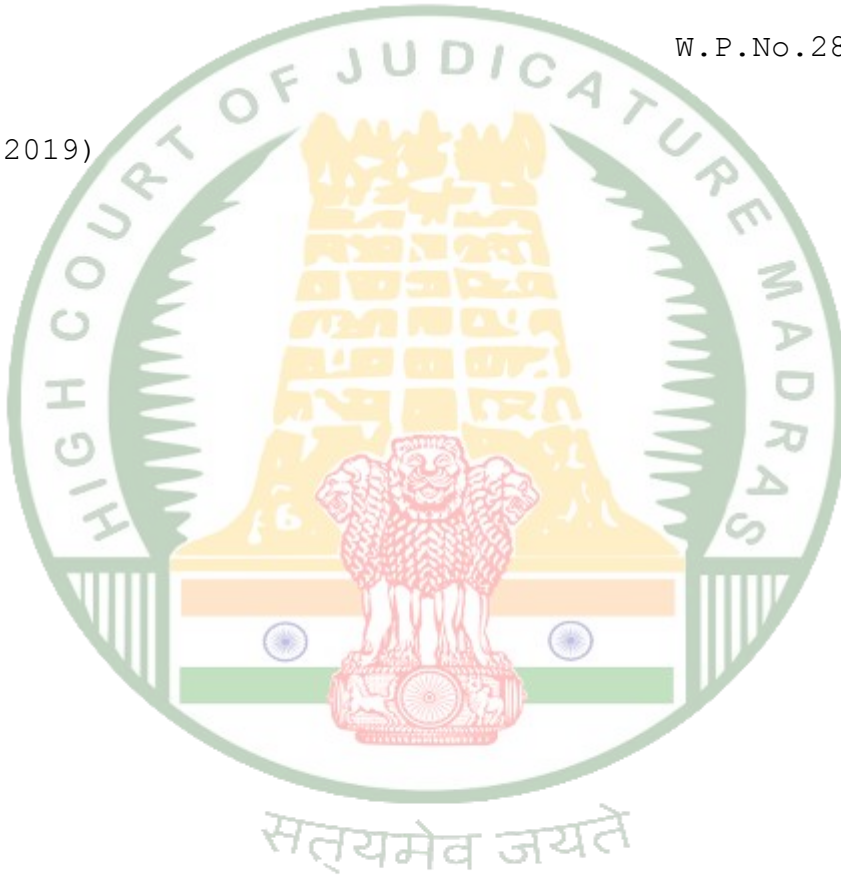
The District Collector cum District
Magistrate, Kanchipuram,
Office of the Collectorate,
Kanchipuram District, Kanchipuram.

+1cc to Mrs.S.R.Sumathy, Advocate, S.R.No.84879

+1cc to the Government Pleader, S.R.No.85427

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Mg (CO)
Kak (20/03/2019)



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