

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.29848 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. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to dispose the Eviction Application filed by the petitioner on 07.06.2018 and thereby provided administrative assistance on an expeditious basis under Section 14 of SARFAESI Act to take possession of the Secured Assets with respect to the application filed by the petitioner and which is pending on the file of the District Collector cum District Magistrate, Kanchipuram, from 07.06.2018.

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

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

Mr.V.Jayaprakash Narayanan, 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 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 Pleader 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 Pleader 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.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

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

+1 cc to Mrs.S.R.Sumathy, Advocate, Sr.No.78652

+1 cc to The Government Pleader, SR.No.78776

W.P.No.29848 of 2018

NM(CO)

CSL/05.12.2018