

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.31229 of 2018

M/s.Dhanlaxmi Bank,
rep. by its Authorized Officer,
Mr.R.Premkumar .. Petitioner

-vs-

- 1.The District Collector cum District
Magistrate, Kancheepuram District,
Kancheepuram.
- 2.K.S.Bashyam
- 3.B.Latha
- 4.M/s.Lapraa Shipping Private Limited
Chennai 600 001.
- 5.Radha Krishnasamy .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent for expeditious disposal of the Application dated 24.01.2016 filed by the petitioner Bank under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

For Petitioner : Mr.J.Senthil Kumar

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader (I/c)

ORDER

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

Mr.V.Jayaprakash Narayanan, learned Government Pleader (I/c.) 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 application dated 24.01.2016 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 first respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 24.01.2016, 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 application dated 24.01.2016 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 first respondent to consider and pass orders on the application dated 24.01.2016 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

//True Copy//

Sub Assistant Registrar

sra

To

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

+lcc to Mr.J.Senthil Kumar, Advocate, S.R.No.81089

W.P.No.31229 of 2018

NRI (CO)

GSP (13/12/2018)