

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33212 of 2018

Indian Bank,
Conoor Branch,
rep. by its Authorised Officer and Chief Manager,
No.10, Harihara Complex,
Near Kamaraj Statue,
Off Ooty Main Road,
Conoor. ... Petitioner

-vs-

- 1.The District Collector/District Magistrate,
Office of the District Collector,
Nilgiris District,
Uthagamandalam.
- 2.M/s.Sree Lakshmi Tea Industries,
rep. by its Managing Partner Mrs.Parvathi Bhojan,
Oora Salai, Nikang Post,
Kothagiri.
- 3.Parvathi Bhojan,
Managing Partner of M/s.Sree Lakshmi Tea Industries,
Oora Salai, Nikang Post,
Kothagiri.
- 4.Vimala Krishnamurthy,
Partner of M/s.Sree Lakshmi Tea Industries,
Oora Salai, Nikang Post,
Kothagiri.
- 5.Latha Velukumar,
Partner of M/s.Sree Lakshmi Tea Industries,
Oora Salai, Nikang Post,
Kothagiri.

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to pass orders on the petition filed by the petitioner bank on 03.02.2017 under Section 14(1) of the SARFAESI Act within the time stipulated by this Court.

For Petitioner : Mr.P.V.Murlidhar

For Respondent : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for 1st respondent

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 1st respondent to pass an order on the petition dated 03.02.2017 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 (i/c) appearing for the 1st respondent.

4. The learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 03.02.2017, the 1st 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. The learned Government Pleader (i/c) submitted that the 1st respondent may be directed to dispose of the petition dated 03.02.2017 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 1st respondent to consider and pass orders on the petition dated 03.02.2017 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 III)

//True Copy//

Sub Assistant Registrar

bbr

To

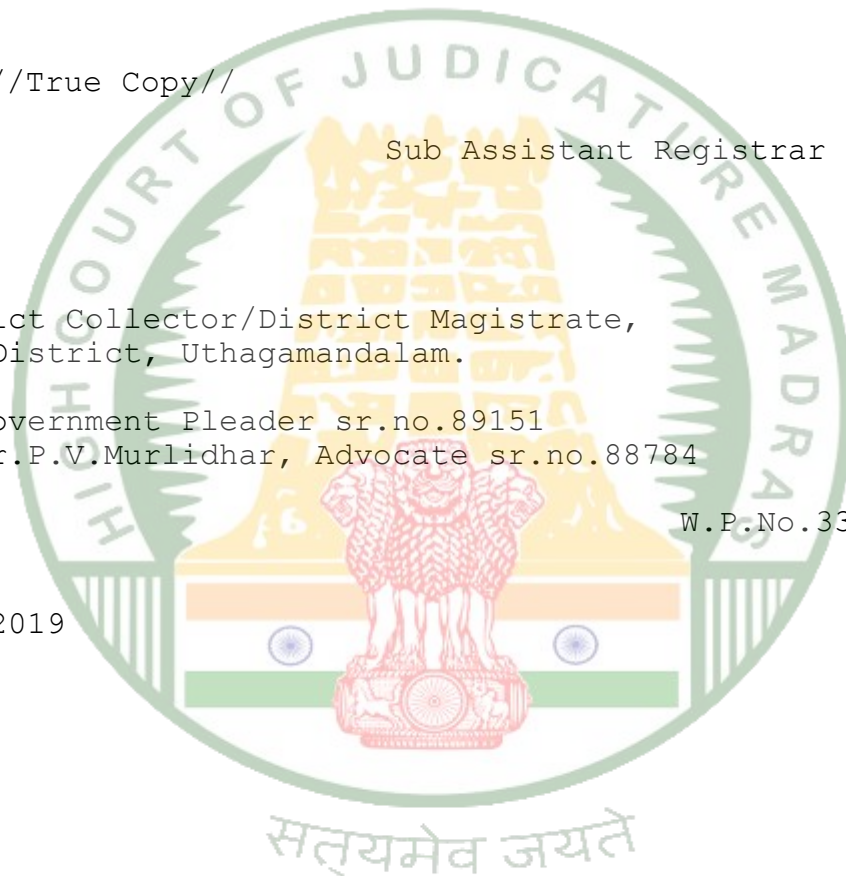
The District Collector/District Magistrate,
Nilgiris District, Uthagamandalam.

+1cc to Government Pleader sr.no.89151

+1cc to Mr.P.V.Murlidhar, Advocate sr.no.88784

W.P.No.33212 of 2018

pa(co)
nr 09/01/2019



WEB COPY