

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.31514 of 2018

and

WMP.NO.36731 OF 2018

Andhra Bank,
Salem Branch,
rep. by Chief Manager & Authorised Officer,
Salem - 636 001. .. Petitioner

-vs-

- 1.The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
Salem District,
Salem.
- 3.Jayamurugan Petrol Bunk,
rep. by its Proprietor Mrs.Priyashankari,
No.68/3, Vellala Gundam Village,
Valappadi Taluk,
Salem - 636 111.

4.P.Pandiyaraja

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd respondent to dispose of the petition filed on 10.1.2018 by the petitioner bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and also directing the 2nd respondent to take physical possession of the secured asset over residential building comprised in Survey No.61/2A57A1A measuring 1800 sq. ft. in Plot No.21 with RCC building measuring east to west 45'

on both sides and north to south 40' on both sides situated at Masinaickenpatty Village, Ayothiapattaranam SRO, Vazhapadi Taluk, Salem East Registration District bounded on West of Plot No.20, East of 20' Road, North of 20' Road and South of Plot allotted for commercial purposes belonging to 4th respondent and hand over physical possession of the same to the petitioner bank.

For Petitioner : Mr.P.Veeraraghavan

For Respondent : Mr.M.Elumalai
Government Advocate
for respondents 1 and 2

ORDER

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

Mr.Mr.Elumalai, learned Government Advocate accepts notice on behalf of the respondents 1 and 2.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the second respondent to dispose of the petition dated 10.01.2018 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') and also directing the 2nd respondent to take physical possession of the secured asset over the residential building comprised in Survey No.61/2A57A1A measuring east to west 45' on both sides and north to south 40' on both sides situated at Masinaickenpatty Village, Ayothiapattaranam SRO, Vazhapadi Taluk, Salem East Registration District.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 10.01.2018, the second 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 second respondent may be directed to dispose of the petition dated 10.01.2018 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 second respondent to consider and pass orders on the petition dated 10.01.2018 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. Consequently, W.M.P.No.36731 of 2018 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.

2.The District Collector,
Salem District,
Salem.

+1cc to Mr.P.Veeraraghavan, Advocate sr.no.82201
+1cc Government Pleader sr.no.82217

W.P.No.31514 of 2018

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nr 17/12/2018

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