

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAISWAMY

W.P. No.32765 of 2018
and W.M.P.No.37974 of 2018

The South Indian Bank Ltd.,
Kellys Branch, Chennai, Rep. by its
Chief Manager and Authorized Officer. .. Petitioner

-vs-

1.The District Collector,
Kancheepuram, Tamil Nadu.

2.M/s.Alpride Medics,
Ambattur, Chennai.

3.Kamalamma

4.Srinivasan

5.Vijayakumar

6.Renuka Devi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to dispose of the application filed under Section 14 of SARFAESI Act on 12.02.2015 within a time frame pertaining to the property situate at Old No.3A,, New No.7, pillaiyar Koil Street, Zamin Royapettai, Chromepet, Chennai-600 044, forming part of Zamin Pallavaram Village, Pallavaram Taluk, Kancheepuram District, comprised in O.S.No.239, R.S.No.239/7, measuring an extent of 3838 sq.ft. together with building thereon belonging to respondents 3 to 6.

For Petitioner	:	Mr.M.L.Ganesh
For Respondents	:	Mr.S.Kamalesh Kannan
		Govt. Advocate for R-1

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 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 12.02.2015 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 first respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 12.02.2015, 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 Advocate submitted that the first respondent may be directed to dispose of the application dated 12.02.2015 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 12.02.2015 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/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

sra

To

The District Collector,
Kancheepuram, Tamil Nadu.

+1cc to Mr.M.L.Ganesh, Advocate, S.R.No.87026

+1cc to the Government Pleader, S.R.No.87397

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GSP(26/12/2018)



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