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.DURAISWAMY

W.P. No.33122 of 2018

M/s.Sundaram BNP Paribas Home Finance Ltd.,
formerly known as (Sundaram Home Finance Limited),
No.46, Whites Road, Chennai-600 014
rep. by its Authorised Officer E.Lenin. .. Petitioner

-vs-

1.The District Collector/Magistrate,
Cuddalore District, Cuddalore.

2.J.Senthilkumar

3.S.Jayamalathi .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to pass orders in petitioner's application under Section 14(1) & (2) SARFAESI Act dated 29.02.2016 pending on the file of the 1st respondent within the time fixed by this Court.

For Petitioner : Ms.L.Poompavai

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

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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 29.02.2016 filed by the

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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 29.02.2016, 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 29.02.2016 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 1st respondent to consider and pass orders on the petition dated 29.02.2016 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(CS-IV)

//True Copy//

Sub Assistant Registrar

bbr

To
The District Collector/Magistrate,
Cuddalore District, Cuddalore.

+1cc to Mr.L.Poompavai, Advocate, S.R.No. 88850
+1cc to the Government Pleader, S.R.No. 89148

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GJ(CO)
GN(08/01/2019)

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