

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.32959 of 2018

Magma Housing Finance,
Rep. by its Authorised Officer,
Mr.M.Shiva Sudhaakar. ... Petitioner

-vs-

- 1.The District Magistrate/District Collector, Coimbatore.
- 2.Satish Kheradi Motilalji Kheradi
- 3.Meena Kheradi Satish Kheradi ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent, The District Magistrate/District Collector Coimbatore, to pass orders on the Petitioner's Application dated 26-6-2018 filed under Section 14 of the SARFAESI ACT 2002 forthwith.

For Petitioner : Mr.S.Giridharan

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate for R-1

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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 26.06.2018 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').

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 26.06.2018, 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 26.06.2018 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 first respondent to consider and pass orders on the application dated 26.06.2018 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.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-IV)

//True Copy//

sra
To

Sub Assistant Registrar

1) The District Magistrate/District
Collector, Coimbatore.

+1cc to Mr.S.Giridharan, Advocate, S.R.No.87258

RSI (CO)
SSM(04/01/2019)

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