

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.33299 of 2018

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

-vs-

- 1.The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
Salem.
- 3.M/s.M P Construction,
rep. by its Proprietor M.Prabhu,
H.No.36-B, Ashok Nagar,
New Law College Kannakurichi Post,
Salem - 636 008. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to dispose of the petition filed on 10.04.2018 by the petitioner bank under Section 14 of the SARFAESI Act, 2002 and also directing the second respondent to take physical possession of the secured asset over residential building comprised in Survey No.39/11 measuring 2114 sq. ft. in Plot No.27 with RCC building situated at Asambur Village, Yercaud Taluk SRO, Yercaud, Salem East Registration District and Property comprised in Survey No.168/3, bearing Patta No.68, R.S.No.168/1 measuring 1189 sq. ft. situated at Kumarasampatty village, Salem Taluk SRO, Salem with residential building belonging to 4th respondent and hand over physical possession of the same to the petitioner bank.

For Petitioner : Mr.P.Veeraraghavan

For Respondent : Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 & 2

ORDER

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

Mr.s.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondent Nos.1 and 2.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the second respondent to pass an order on the petition dated 10.04.2018 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 respondent Nos.1 and 2.

4. The learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 10.04.2018, 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. The learned Government Advocate submitted that the second respondent may be directed to dispose of the petition dated 10.04.2018 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 10.04.2018 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.38647 of 2018 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Salem.

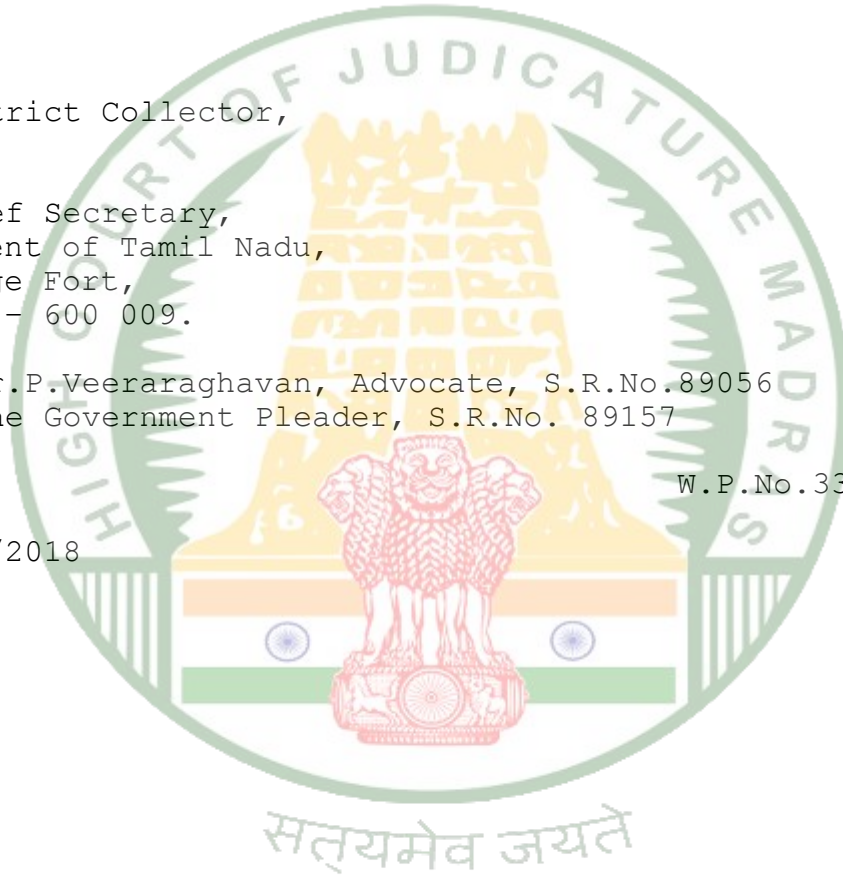
2.The Chief Secretary,
Government of Tamil Nadu,
St.George Fort,
Chennai - 600 009.

+1cc to Mr.P.Veeraraghavan, Advocate, S.R.No.89056

+1cc to the Government Pleader, S.R.No. 89157

W.P.No.33299 of 2018

rrs 21/12/2018



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