



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)Nos.7074, 7075 & 7076 of 2018
and
W.M.P(MD)Nos.6767, 6768 & 6769 of 2018

1.W.P(MD)No.7074 of 2018:-

M/s.Magma Housing Finance Limited,
Rep. by its Authorized Officer,
Navin's Presidium, 7 - A, B-Block,
New No.17/19, Old No.103,
Nelson Manickam Road,
Chennai - 600 029.

... Petitioner

Vs.

1. The District Collector cum District Magistrate,
Office of the Collectorate,
Madurai - 625 001.

2. L.Bharathidasan

3.B.Selvi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent/District Collector to consider forthwith the application submitted by the petitioner company, dated 04.08.2017 under Section 14 of the SARFAESI Act, 2002 seeking to appoint the Assistant Registrar concerned or any other official to assist the petitioner company to take physical possession of the secured asset of the second and third respondents and to provide police protection and assistance during the process of taking over of possession.

2.W.P(MD)No.7075 of 2018:-

M/s.Magma Housing Finance Limited,
Rep. by its Authorized Officer,
Navin's Presidium, 7 - A, B-Block,
New No.17/19, Old No.103,
Nelson Manickam Road,
Chennai - 600 029.

... Petitioner



Vs.

1. The District Collector cum District Magistrate,
Office of the Collectorate,
Dindigul - 624 004.

2. R.Thangapandian

3. S.Manjula Devi

4. M.S.Golden Electronics,
No.9, Nethruji Nagar,
Trichy Road,
Dindigul - 624 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent/District Collector to consider forthwith the application submitted by the petitioner company, dated 07.08.2017 under Section 14 of the SARFAESI Act, 2002 seeking to appoint the Assistant Registrar concerned or any other official to assist the petitioner company to take physical possession of the secured asset of the second and third respondents and to provide police protection and assistance during the process of taking over of possession.

3.W.P(MD)No.7076 of 2018:-

M/s.Magma Housing Finance Limited,
Rep. by its Authorized Officer,
Navin's Presidium, 7 - A, B-Block,
New No.17/19, Old No.103,
Nelson Manickam Road,
Chennai - 600 029.

... Petitioner

Vs.

1. The District Collector cum District Magistrate,
Office of the Collectorate,
Madurai - 625 001.

2.R.Barani Rajan

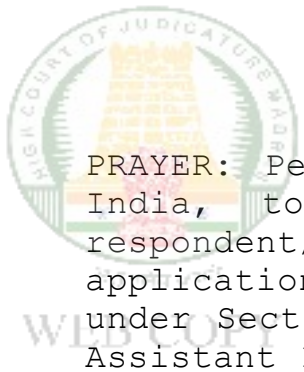
3.Prabhakaran

4.Rajendran

<https://hcservices.ecourts.gov.in/hcservices/>

5.Chandra

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent/District Collector to consider forthwith the application submitted by the petitioner company, dated 04.08.2017 under Section 14 of the SARFAESI Act, 2002 seeking to appoint the Assistant Registrar concerned or any other official to assist the petitioner company to take physical possession of the secured asset of the second and third respondents and to provide police protection and assistance during the process of taking over of possession.

For Petitioner (in all W.Ps')	: Mr.K.Prabhu for M/s.Isaac Chambers
For R - 1 (in all W.Ps')	: Mr.M.Pandiarajan, Additional Government Pleader.

COMMON ORDER

(Order of the Court was made by **M.DURAISWAMY,J.**)

The petitioner has filed the above writ petitions to issue a Writ of Mandamus, directing the first respondent/District Collector to consider forthwith the applications submitted by the petitioner company, dated 04.08.2017, 07.08.2017 and 04.08.2017 respectively under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, seeking to appoint the Assistant Registrar concerned or any other official to assist the petitioner company to take physical possession of the secured asset of the second and third respondents and to provide police protection and assistance during the process of taking over the possession.

2.The learned counsel appearing for the petitioner submitted that though the petitioner had submitted their applications under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, to take possession of the property as early as on 04.08.2017, 07.08.2017 and 04.08.2017 respectively, the first respondent in all the writ petitions have not passed any orders so far.

3.Mr.M.Pandi Maharajan, learned Additional Government Pleader taking notice for the first respondent, submitted that the first respondent may be directed to consider the petitioner's applications, dated 04.08.2017, 07.08.2017 and 04.08.2017 respectively and pass orders in accordance with law.

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4.In view of the submissions made by the learned counsel



appearing on either side and also taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, we direct the first respondent in all the writ petitions to consider the petitioner's applications, dated 04.08.2017, 07.08.2017 and 04.08.2017 respectively and pass orders on merits and in accordance with law, after giving notice to the private respondents, within a period of six weeks from the date of receipt of a copy of this order.

5. With these observations, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector cum District Magistrate,
Office of the Collectorate,
Madurai - 625 001.
2. The District Collector cum District Magistrate,
Office of the Collectorate,
Dindigul - 624 004.

+ 3 ccs TO M/S.ISSAC CHAMBERS , Advocate in SR No.59561 to 59563
+ 1 cc TO The Special Government Pleader in SR No. 59496

ps

AE/SKN RSK/SAR1/16.04.2018/4P/7C

W.P(MD) Nos.7074 to 7076 of 2018
02.04.2018