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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.900 of 2018

and

W.M.P. (MD) No.926 of 2018

M/s. Magma Housing Finance Ltd.,
Rep. By its Authorised 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,
Trichy-620001.

2.A.Faritha

3.H.Abdul Rahman ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent District Collector to consider forthwith the application submitted by the petitioner company dated 02.09.2016 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 : Mr.K.Prabhu for M/s.Issac
Chambers

For Respondent No.1 : Mr.D.Muruganantham
Additional Government

Pleader

For Respondents 2 and 3 : Mr.G.V.Vairam Santhosh

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

Heard M/s.Issac Chambers, learned counsel appearing for the
Petitioner and Mr.D.Muruganantham, learned Additional Government
Pleader appearing for the first respondent and Mr.G.V.Vairam
Santhosh, learned counsel appearing for the respondents 2 and 3.



2.The petitioner is a finance Company, which has advanced certain loan to respondents 2 and 3, who are husband and wife. On account of default in payment of loan, the petitioner has initiated action under the provisions of the SARFAESI Act and symbolic possession has been taken of the property which has been mortgaged by the respondents 2 and 3 on 23.05.2016. Thereafter, the petitioner has approached the first respondent and filed an application dated 02.09.2016, under Section 14 of the Act, to assist the petitioner to take over the physical possession of the property, which was mortgaged by the respondents 2 and 3.

3.The learned Additional Government Pleader appearing for the first respondent submitted that the application filed by the petitioner will be considered in accordance with law, and reasonable time may be granted to the first respondent to pass appropriate orders.

4.In the light of the submission, the first respondent shall pass orders on merits and in accordance with law, on the application filed by the petitioner, under Section 14 of the Act, within a period of four weeks from the date of receipt of copy of this order. The writ petition stands disposed of. No Costs. Consequently, W.M.P. (MD) No.926 of 2018 is closed.

Sd/

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

The District Collector cum District Magistrate,
Office of the Collectorate,
Trichy-620001.

+1cc to Mr.G.V.VAIRAM SANTHOSH, Advocate, SR.No. 57857

+1cc to M/S.ISSAC CHAMBERS, Advocate, SR.No. 58308

+1cc to M/s.Special Government Pleader,SR.No.58454

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