

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.07.2018****CORAM:**

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.P (MD) Nos.9964, 9965 and 9966 of 2018**W.P. (MD) .No.9964/18**

Tamil Nadu Mercantile Bank Limited,
rep. by its Authorised Officer,
209, Palakkarai Main Road,
Mailam Chandai,
Trichy-620 008.

... Petitioner

Vs.

1. The District Collector,
Trichy, Trichy District.

2. Gopi
Proprietor M/s.Sri Muniappan Modern Rice Mill,
S/o Mr.Veerappan,
No.33/13a, Seegampatty Road,
Useelampatti Village-621 313,
T.Alai P.O, Manapparai Taluk,
Trichy District.

... Respondents

W.P. (MD) .9965/18

Tamil Nadu Mercantile Bank Limited,
rep. by its Authorised Officer,
C-87, Fort Station Road,
Thillai Nagar, Trichy-620 018.

... Petitioner

Vs.

1. The District Collector,
Trichy, Trichy District.

2.M/s.Selvan Trading Agencies,
rep. by its partner,
No.50 A/75, Thirumazhapadi Road,
Pallampadi, Lalgudi Taluk,
Tiruchirapalli.



3.C.Senthamilselvan

4.C.Ravikumar

... Respondents

W.P. (MD). 9966/18

Tamil Nadu Mercantile Bank Limited,
rep. by its Authorised Officer,
C-87, Fort Station Road,
Thillai Nagar,
Trichy-620 018.

... Petitioner

Vs.

1. The District Collector,
Trichy,
Trichy District.

2. M/s.Sri Jayam Electricals,
No.52, Palakkarai Main Road,
Palakkarai, Trichy-620 001.

3.P.Perumal

4.P.Sivaranjani

... Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to comply with the requisites of section 14(1) & 14 (2) of the SARFAESI Act by taking over the physical possession of the secured assets described in detail in the schedule to the application dated 16.06.2016 submitted on 26.08.2016 by the petitioner to the 1st respondent under Sec.14 of SARFAESI Act and hand over the same to the petitioner.

W.P. (MD) .No. 9964/18

For Petitioner
For respondents

: Mr.A.R.M.Ramesh
: Mr.R.Murugan
Addl. Govt.Pleader for R-1
Mr.A.N.Ramanathan for R-2

W.P. (MD) .No. 9965/18:

For Petitioner
For respondents

: Mr.A.R.M.Ramesh
: Mr.R.Murugan
Addl. Govt.Pleader for R-1
No appearance for R-2
Mr.Sankar Murali for RR-3 & 4



W.P. (MD) .No.9966/18:

For Petitioner : Mr.A.R.M.Ramesh
For respondents : Mr.R.Murugan
Addl. Govt.Pleader for R-1
No appearance for R-2

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COMMON ORDER

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

The petitioners have filed the above writ petitions for issuance of writ of mandamus directing the 1st respondent to comply with the requisites of section 14(1) & 14(2) of the SARFAESI Act by taking over the physical possession of the secured assets described in detail in the schedule to the application dated 16.06.2016 submitted on 26.08.2016 by the petitioner to the 1st respondent under Sec.14 of SARFAESI Act and hand over the same to the petitioners.

2.The learned counsel appearing for the petitioners submitted that the petitioners submitted the application as early as on 26.08.2016 before the first respondent. But the same have not yet been disposed of by the first respondent.

3.Mr.A.N.Ramanathan, learned counsel appearing for the second respondent in W.P.(MD).No.9964 of 2018 submitted that the first respondent may be directed to give an opportunity of hearing to the second respondent.

4.However, the learned Additional Government Pleader appearing for the first respondent submitted that the first respondent may be directed to consider the petitioners' application and pass orders in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side and also considering the limited prayer sought for by the petitioners, without expressing any opinion with regard to the merits of the case, we direct the first respondent to consider the petitioners' application, dated 16.06.2016 and pass orders on merits and in accordance with law, after affording due opportunity of personal hearing to the second respondent, within a period of 8 weeks from the date of receipt of a copy of this order.

6.Sofar as W.P.(MD).No.9966 of 2018 is concerned, notice sent to the second respondent returned with an endorsement "No such Addressee". Since we are directing the first respondent to consider the petitioners' application in accordance with law, after giving due opportunity of personal hearing to the second respondent, we are



dispensing with notice to the second respondent.

7. With these observations, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

The District Collector,
Trichy,
Trichy District.

+ 3 ccs TO Mr.A.R.M.Ramesh , Advocate in SR No. 71403,71404,71408
+ 1 cc TO Mr.AN.Ramanathan , Advocate in SR No.71487
+ 1 cc TO The Special Government Pleader in SR No. 71509

vs

AE/SV/SAR2/16.07.2018/4P/7C

Common Order made in
W.P (MD) Nos.9964, 9965 and 9966 of 2018
05.07.2018