



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD) No.13658 of 2018

M/s.National Trust Housing Finance Ltd.,
rep.by its Authorised Officer,
S.Pugalenthir
... Petitioner
vs.

1.The District Magistrate cum
District Collector,
Tiruchirapalli,
Tiruchirapalli District.
2.The Revenue Divisional Officer,
Srirangam,
Tiruchirapalli District.
... Respondents

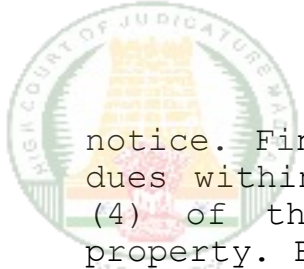
Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose of the petitions dated 20/04/2017 and 31/03/2017 filed by the petitioner under section 14 of the SARFAESI Act as stated in the representation dated 22/02/2018 within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

M/s.National Trust Housing Finance Limited, represented by its Authorised Officer, S.Pugalenthir had issued demand notice under Section 13(2) of the SARFAESI Act (hereinafter called as "the Act") to the borrowers, calling upon them to repay the loan amount due and payable within 60 days from the date of receipt of the said demand



notice. Finding no response, when the borrowers failed to repay the dues within 60 days, the petitioner issued notice under Section 13 (4) of the Act for taking symbolic possession of the secured property. Even after issuance of the aforementioned two notices, the borrowers have not come forward to settle the dues. Therefore, a petition was filed on 31.03.2017 and four more applications were also filed on 20.04.2017 under Section 14 of the Act before the first respondent viz., The District Magistrate - cum - District Collector, Tiruchirapalli, seeking assistance for taking physical possession of the secured asset. Although the said applications filed by the petitioner were taken on file on 20.04.2017 with a direction to the Revenue Divisional Officer to submit a report, till date no further development has taken place. Therefore, the petitioner has come before this Court seeking the aforesaid relief.

2.The learned counsel appearing for the petitioner submits that as per Section 14 of the Act, the first respondent should have considered the pending applications within the maximum outer limit of 60 days, which he failed to do so. Therefore, the petitioner is entitled to come before this Court seeking a direction to the first respondent.

3.The learned Government Advocate appearing for the respondents sought for sufficient time to consider and pass orders on the petitioner's applications.

4.This Court, recording the above statement, grants four weeks time to the first respondent to consider the petitioner's applications on merits and pass orders on the same within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (WRIT)

// True Copy //

Sub Assistant Registrar(CS-I)

To:

1.The District Magistrate cum
District Collector,
Tiruchirapalli,
Tiruchirapalli District.



2.The Revenue Divisional Officer,
Srirangam,
Tiruchirapalli District.

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+1 CC To MR.R.J.KARTHICK, Advocate SR. NO. 78061
+1 CC TO The Government Pleader SR.NO. 78244

W.P.(MD) No.13658 of 2018

MJ

TR/RP/SAR-I (18.09.2018) 3P 5C