



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

And

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.15145 of 2018

and

WMP (MD) No.13703 of 2018

WEB COPY

HDFC Bank Ltd.,
having its branch office at,
Sri Nithyakalyani Towers,
No.34, 2nd Floor,
North Veli Street, Madurai - 1,
represented by its Legal Head,
P.KasiViswananthan

... Petitioner

vs.

1. The District Collector cum District Magistrate,
District Collector Office, Tuticorin District.

2.M/s.L.Rajamani & Sons Fuel Filling Station,
Proprietor R.Sivaraaganesh
No.3/491-A, Srivaikundam Main Road,
Srivenkatesapuram Village, Peikulam,
Tuticorin District - 628 613.

3.Mr.R.Sivaramaganesh

4.Mr.G.Kranaveeran

5.Mrs.S.Vaidevi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the District Collector cum District Magistrate, Tuticorin to expeditious disposal of the application filed by the petitioner bank under Section 14 of SARFAESI Act, on 13.03.2018 through Register Post, on merits within a time limit to be fixed by this Court.

For Petitioner	: Mr.K.Govindarajan
For R1	: Mr.C.Ramar
	Additional Government Pleader
For R2, R3 and R5	: Mr.R.Balakrishnan
For R4	: No Appearance

**ORDER**

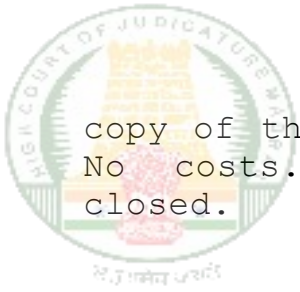
(Order of the Court was made by T.RAJA, J.)

WEB COPY This writ petition has been filed by the HDFC Bank Limited, North Veli Street, Madurai, seeking a limited prayer for issuance of writ of Mandamus directing the District Collector cum District Magistrate, Tuticorin, to dispose of the application dated 13.03.2018 filed by the petitioner bank under Section 14 of the SARFAESI Act, expeditiously on merits, within the reasonable time fixed by this Court.

2.The learned counsel for the petitioner referring to Section 14 of the SARFAESI Act, submitted that when the petitioner bank had already issued statutory notice under Section 13(2) of the Act, on 10.03.2017, calling upon the respondents 2 to 5 to repay a sum of Rs.1,22,86,629/- as on 10.03.2017 for discharging their liabilities in full, the respondents had not even come forward to answer the said notice. Neither the respondents given reply nor paid the amount due to the petitioner bank. Only thereafter, an application has been filed under Section 14 of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 , before the District Collector cum District Magistrate, Tuticorin, on 13.03.2018, through register post to take a physical possession of the secured assets of the respondents 2 to 5. Even after completion of expiry of more than 90 days from the date of filing the application, no further progress is made. Therefore, he has been advised to approach this Court for writ of mandamus directing the first respondent/District Collector cum District Magistrate, Tuticorin to expeditiously dispose of the pending application filed under Section 14 of the SARFAESI Act.

3.The learned Additional Government Pleader takes notice for the first respondent. The learned counsel, who takes notice for respondents 2 to 5 submitted that they will also co-operate with the first respondent for early disposal of the petition filed by the petitioner. The learned counsel also submitted that it is only the Manager of the petitioner bank, has mishandled the amount. Therefore, an enquiry also to be made against him and it is also for the petitioner bank to make such allegation before the first respondent.

4.Since the prayer made by the petitioner is limited and reasonable, this Court, without going into the merits of the matter, directs the first respondent to consider the pending application, dated 13.03.2017 filed by the petitioner, under Section 14 of the SARFAESI Act, on merits and in accordance with law, within a period of thirty days from the date of receipt of a



copy of this order. The writ petition is disposed of accordingly.
No costs. Consequently, connected Miscellaneous Petition is
closed.

Sd/-

Assistant Registrar(CS-II)

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/True Copy/

Sub Assistant Registrar(CS-I)

To

The District Collector cum District Magistrate,
District Collector Office, Tuticorin District.

+1cc to Mr.K.Govindarajan, Advocate Sr.No.77881

+1cc to Mr.R.Balakrishnan, Advocate Sr.No.78020

RJ2

VB/RSK/SAR1/27.09.2018/3P/4C

Order made in
W.P(MD)No.15145 of 2018
09.08.2018