



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.15147 of 2018

and

WMP (MD) No.13705 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, Madurai District.

2.Mr.N.Jeyakumar

3.Mrs.J.Mahalakshmi

4.Mr.J.Karthikeyan

... 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, Madurai, to expeditious disposal of the application filed by the petitioner bank under Section 14 of SARFAESI Act, on 06.03.2018 through Register Post, in vide Roc.No:C3/10973/2018, 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 to R4	: Mr.V.A.Dhana Aravindh Balaji
	for Dhana Law Associates

ORDER

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

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, Madurai, to dispose of the application, dated



06.03.2018, 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 05.06.2017, calling upon the respondents 2 to 4 to repay a sum of Rs.46,30,674.52 as on 05.06.2017 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, Madurai, on 06.03.2018, through register post to take a physical possession of the secured assets of the respondents 2 to 4. 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, Madurai 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 4 submitted that they will also co-operate with the first respondent for early disposal of the petition filed by the petitioner.

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 06.03.2017 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)

/True Copy/

Sub Assistant Registrar(CS-I)



To

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

+1cc to Mr.K.Govindarajan, Advocate Sr.No.77879

+1cc to M/s.Dhana Law Associates, Advocate Sr.No.77950

RJ2

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

Order made in
W.P(MD)No.15147 of 2018
09.08.2018