



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.16823 of 2018

CAPITAL FIRST LIMITED,

A company incorporated under the
provisions of the Companies Act,
represented by its Authorized Officer,
Balamurugan.

... Petitioner

Vs.

The District Magistrate cum
District Collector,
District Collector Office,
Madurai-625 020.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to expeditiously dispose the application filed by the petitioner company under Section 14 of the SARFAESI Act, 2002 and received by the respondent on 18.12.2017 vide ROC.No:C3/58422/2017 pending before the respondent - the District Collector cum District Magistrate, Madurai within a stipulated time that may be fixed by this Court.

For Petitioner

: Mr.R.Karunanidhi

For Respondent

: Mr.M.Jeyakumar

Additional Government Pleader

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondent to dispose of the application filed under Section 14 of the SARFAESI Act received by the respondent on 18.12.2017 within a stipulated time.

2. The learned Counsel appearing for the petitioner submitted that though the petitioner has submitted his application as early as on 18.12.2017 under Section 14 of the SARFAESI Act, the respondent



has not disposed of the same yet. Further the learned Counsel submitted that because of the long pendency of the matter, the petitioner is not in a position to take possession of the property.

3. Mr.M.Jeyakumar, learned Additional Government Pleader, taking notice the respondent, submitted that the respondent may be directed to dispose of the application within four weeks' time in accordance with law.

4. Having regard to the submissions made by the learned Counsel appearing on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, we direct the respondent to consider the petitioner's application and pass orders on the petitioner's application filed under Section 14 of the SARFAESI Act on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-IV)

To

The District Magistrate cum District Collector,
District Collector Office,
Madurai-625 020.

+1cc to Mr.R.Karunanidhi, Advocate, SR.No.75698
+1cc to M/s.Special Government Pleader,SR.No.75898

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30.07.2018

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