

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.2798 of 2019

M/s.TATA Capital Housing Finance Limited,
Rep. by its Power of Attorney,
Mr.K.Surendran. ... Petitioner

-vs-

The District Collector,
Kanchipuram District,
Kanchipuram. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to expeditiously dispose of the petitions filed on 11.12.2017 vide Reference Nos.2017/9005/03/022009/1211 (Sl.No.1); No.2017/9005/03/021938/1211 (Sl.No.2a); 2017/9005/03/021926/1211 (Sl.No.2b); 2017/9005/03/021950/1211 (Sl.No.2c) and 2017/9005/03/021979/1211 (Sl.No.3) respectively, before the respondent, The District Magistrate cum District Collector, Kancheepuram, within 30 days and to provide the necessary administrative assistance to the petitioner within one week under Section 14 of the SARFAESI Act for taking possession of Secured Asset and also pleaded to pass general directions, directing respondent for disposing of the applications of the Banks and Financial institutions under Section 14 of the SARFAESI Act within time bound manner, i.e., within one month from the date of filing the concerned Application in consideration to the aim and object of the SARFAESI Act.

For Petitioner : Mr.M.Arunachalam

For Respondent : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.)

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.), accepts notice on behalf of the respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondent to pass orders on the petitions dated 11.12.2017 filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader (i/c.) appearing for the respondent.

4. Learned counsel appearing for the petitioner submitted that though the petitions were filed by the petitioner on 11.12.2017, the respondent-District Collector has not disposed of the same till date. He would submit that in view of the long pendency of the matter, the petitioner is not in a position to take possession of the property.

5. Learned Government Pleader (i/c.) submitted that the respondent may be directed to dispose of the petitions dated 11.12.2017 filed by the petitioner under Section 14 of the SARFAESI Act within a period of six weeks.

6. Having regard to the submission made by the learned counsel appearing on either side and taking note of the limited prayer sought for in this writ petition, without expressing any opinion on the merits of the case, we direct the respondent to consider and pass orders on the petitions dated 11.12.2017 filed by the petitioner under Section 14 of the SARFAESI Act, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after giving notice to all concerned.

7. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To

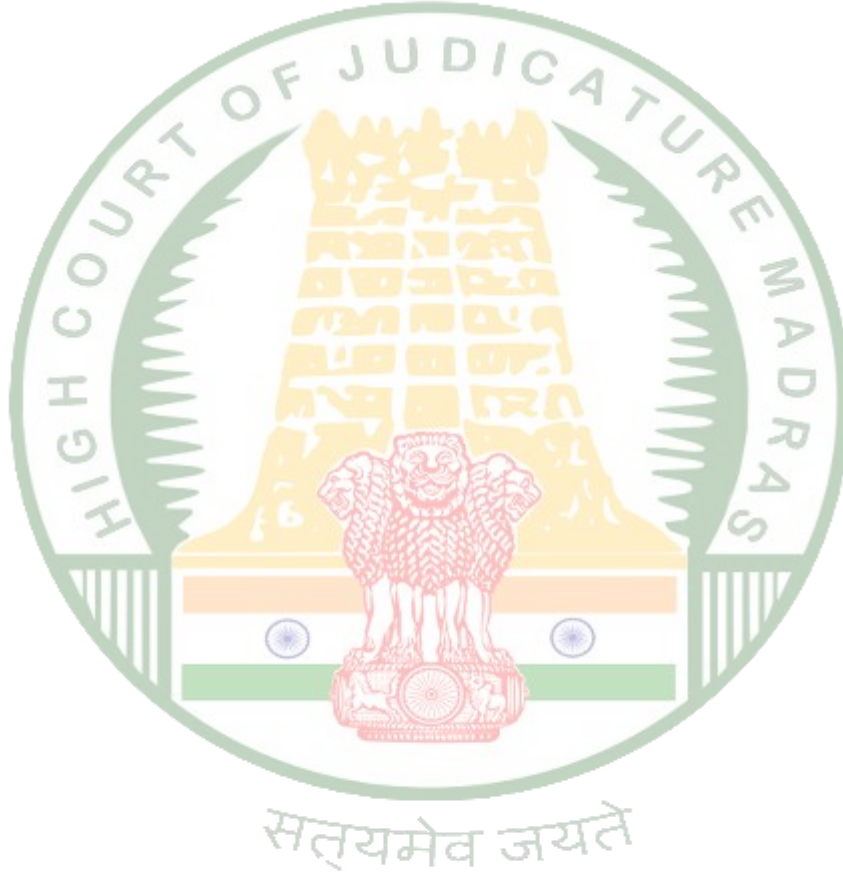
The District Collector,
Kanchipuram District,
Kanchipuram.

+1 CC TO GOVERNMENT PLEADER SR.NO.8802

+1cc to Mr. M.Arunachalam, Advocate SR.No. 8855

W.P.No.2798 of 2019

A.SK(20/02/2019)



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