

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.01.2019

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.2331 of 2019

M/s.Magma Housing Finance,
Rep. by its Authorised Officer,
Mr.M.Shiva Sudhaakar. .. Petitioner

-vs-

The District Collector / District Magistrate,
Krishnagiri District Collectorate,
Krishnagiri 635 115. .. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to pass orders in Section 14 petition under SARFAESI Act, 2002 filed by the petitioner before the respondent on 14.09.2018.

For Petitioner : Mr.M.Arunachalam

For Respondent : Mr.S.Kamalesh Kannan
Govt. Advocate

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O R D E R

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

Mr.S.Kamalesh Kannan, learned Government Advocate, 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 application dated 14.09.2018 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 Advocate appearing for the respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 14.09.2018, 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 Advocate submitted that the respondent may be directed to dispose of the application dated 14.09.2018 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 application dated 14.09.2018 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 VIII)

//True Copy//

Sub Assistant Registrar

sra

To

The District Collector /
District Magistrate,
Krishnagiri District Collectorate,
Krishnagiri 635 115.

+lcc to Mr.M.Arunachalam, Advocate, S.R.No.8310
+lcc to the Government Pleader, S.R.No.7849

SAI(CO)

rrs 15/02/2019

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