

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3579 of 2019

HDFC Bank Ltd.,
Dept. for Special Operations,
Rep. by its Authorised Officer. ..Petitioner

-vs-

1. The District Collector,
Vellore District, Vellore.
2.M/s.Excel Chemics
Partnership Firm, Rep. by its Partners. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to pass an order in C No.3889 of 2015 filed by the petitioner under Section 14 of SARFAESI Act, 2002.

For Petitioner : Mr.K.Rajasekaran
For Respondent : Mr.S.Kamalesh Kannan
Govt. Advocate for R-1

सत्यमेव जयते
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 first respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to pass orders on the application, i.e., C.No.3889 of 2015 filed by the petitioner in February, 2015 dated 'Nil' 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 first respondent.

4. Learned counsel appearing for the petitioner submitted that though the application in C.No.3889 of 2015 was filed by the petitioner in February, 2015, the first 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 first respondent may be directed to dispose of the application in C.No.3889 of 2015 filed by the petitioner in February, 2015, 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 first respondent to consider and pass orders on the application in C.No.3889 of 2015 filed by the petitioner in February, 2015, 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.

sra

Sd/-

Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To
The District Collector,
Vellore District, Vellore.

+1cc to Mr.K.Rajasekaran, Advocate, S.R.No.10957/19
+1cc to the Government Pleader, S.R.No.11330/19

W.P.No.3579 of 2019

NA (CO)
kak (27/02/2019)