

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.8016 of 2019

Oriental Bank of Commerce,
rep. by its Chief Manager S.Elanseliyan,
Spencer Plaza, 2nd Floor,
769, Anna Salai, Mount Road,
Chennai - 600 002. Petitioner

-vs-

- 1.The District Collector/The District Magistrate,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram-631 501.
- 2.G.Kuzhandhaivel
- 3.A.K.Meenambal
- 4.The Inspector of Police,
Old Perungalathur Police Station,
now Peerkankaranai Police Station,
Kancheepuram. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent, viz., the District Magistrate/District Collector may be pleased to dispose the SARFAESI application filed by the petitioner as per Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in request of property situated Flat No.A 1st Floor, Plot No.5, Shakthi Construction Shanshu Avenue, Old Perungalathur Village, Tambaram-Mudichur Road, Chennai with built-area of 640 Sq.ft and Un-divided share of 347.50 Sq.ft out of the total extent 1390 Sq.ft situated within Survey Nos.303/2A1A1B and 303/2B and as per plan approved by CMDA in PPD/L.O.No.62/2002 and bounded on the North by Plot No.6, South

by 40 Feet Road, East by 24 Feet Road and West by Plot No.4 and pass such further or other orders as this Hon'ble Court may deem fit or proper in the circumstances of the case.

For Petitioner : Mr.S.K.Srinivasan

For Respondent : Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 and 4

ORDER

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

Mr.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondent Nos.1 and 4.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to pass orders on the petition filed by the petitioner on 21.06.2017 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 respondent Nos.1 and 4.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 21.06.2017, 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. Having regard to the submission made by the learned counsel for the petitioner 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 petition filed by the petitioner on 21.06.2017 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.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector/The District Magistrate,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram-631 501.

2.The Inspector of Police,
Old Perungalathur Police Station,
now Peerkankaranai Police Station,
Kancheepuram.

+2cc to M/S.S.K.Srinivasan, Advocate Sr.27338
+1cc to the Government Pleader Sr.27213

W.P.No.8016 of 2019

rr[co]
srg 08/04/2019

सत्यमेव जयते

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