

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.02.2019

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

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.4659 of 2019

The Authorised Officer/Assistant General
Manager, Bank of Baroda, ZOSARB Branch,
74, Theagaraya Road, T Nagar,
Chennai 600 017.

.. Petitioner

-vs-

The District Collector,
Collectorate, Kancheepuram District,
Kanchipuram 631 501.

.. 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 on the application filed by the petitioner bank on 27.09.2013 under Section 14 of the SARFAESI Act for the purpose of taking possession of the secured Assets.

For Petitioner : Ms.V.Valarmathi

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

* * * * *

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 27.09.2013 filed by the petitioner Bank 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 Bank and the learned Government Advocate appearing for the respondent.

4. Learned counsel appearing for the petitioner Bank submitted that though the application was filed by the petitioner on 27.09.2013, 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 petition dated 27.09.2013 filed by the petitioner Bank 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 petition dated 27.09.2013 filed by the petitioner Bank 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 IV)

//True Copy//

Sub Assistant Registrar

sra

To

The District Collector,
Collectorate, Kancheepuram District,
Kancheepuram 631 501.

+1cc to Mr.S.Mohan, Advocate, S.R.No.15350

+1cc to the Government Pleader, S.R.No.15765

W.P.No.4659 of 2019

RSV(CO)

rrs 14/03/219