

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.6060 of 2019

Magma Housing Finance,
rep. by its Authorised Officer M.Shiva Sudhaakar.
Navin's Presidium,
7-B, B-Block, New No.17-19,
Old No.103, Nelson Manickkam Road,
Chennai - 600 029. ... Petitioner

-vs-

1.The District Collector cum
District Magistrate,
Krishnagiri District Collectorate,
Krishnagiri District.

2.P.C.Manoharan
3.M.Sakunthala
4.Chinnappan Govindan
5.Nagammal

6.Tirumala Granites,
rep. by its Proprietor P.C.Manoharan,
D.No.3/95, Perugopanapalli (Post),
Puligunta Village, Thogarapalli,
Krishnagiri District-625 203.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent - the District Collector cum District Magistrate, Krishnagiri District to pass orders on the petitioner's application dated 05.11.2018 filed under Section 14 SARFAESI Act, 2002 forthwith.

For Petitioner

: Mr.S.Giridharan

For Respondent

: Mr.K.Suresh
Government Advocate
for respondent No.1

ORDER

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

Mr.K.Suresh, 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 dated 05.11.2018 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 first respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 05.11.2018, 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 application dated 05.11.2018 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.

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

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

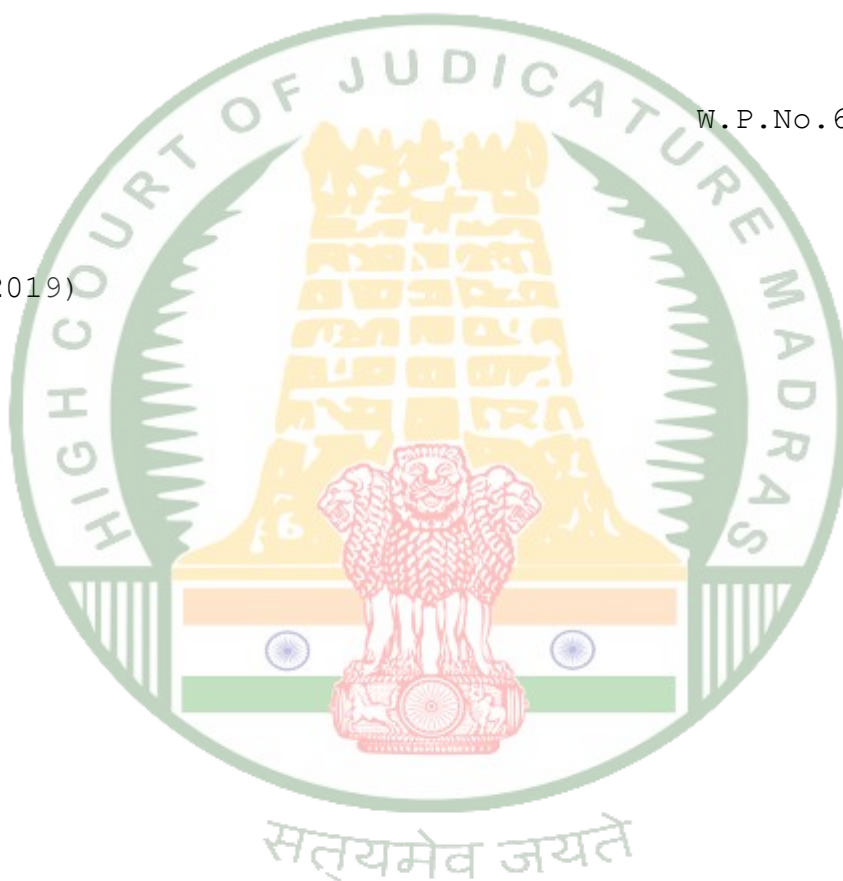
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To

The District Collector cum
District Magistrate,
Krishnagiri District Collectorate,
Krishnagiri District.

+1 CC to Mr.S.Giridharan, Advocate sr 20373.

W.P.No.6060 of 2019

AK(CO)
SP(25/03/2019)



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