

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.7608 of 2019

M/s.Tamilnad Mercantile Bank Ltd.,
T.Nagar Branch,
rep. by its Authorised Officer R.Mariappan,
Having Regional Officer at
No.45, Pulla Avenue,
Shenoy Nagar,
Chennai-600 030. ... Petitioner

-vs-

The District Magistrate/
The District Collector,
O/o Thiruvallur,
Thiruvallur District. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to take appropriate action in the SARFAESI Application No.2018/9005/01/557775/0803 dated 03.08.2018 filed under Section 14 of the SARFAESI Act by the petitioner's Bank within a specified date that may be fixed by this Honourable Court.

For Petitioner : Mr.P.Tamilavel

For Respondent : Mr.S.Kamalesh Kannan
Government Advocate

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 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 petition dated 03.08.2018 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 petition was filed by the petitioner on 03.08.2018, 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. 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 respondent to consider and pass orders on the petition dated 03.08.2018 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.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

bbr

To

The District Magistrate/
The District Collector,
O/o Thiruvallur
Thiruvallur District.

+1cc to Mr.P.Tamilavel, Advocate, S.R.No. 26685
+1cc to the Government Pleader, S.R.No. 26789

W.P.No.7608 of 2019

SSI (CO)
GN(10/04/2019)