

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.11329 of 2019

M/s.Fullerton India Credit Company Ltd.,
Having its Office at
Old No.307, New No.165, Megha Towers,
3rd Floor, Poonamallee High Road,
Maduravoyal,
Chennai-600 095
rep. by its Power of Attorney Selvakumar.J ... Petitioner

-vs-

The District Collector,
Tirupur District.
Tirupur. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to issue the order on the petition filed under SARFAESI action before District Magistrate, Tiruppur for take possession of the secured asset situated at Door No.3/57, Old Door No.357 SF No.176/1, SF No.176/1B, SF No.176/1A Karattu Thottam, Murugapalayam, Veetapandi Village near Government Elementary School, Tirupur-641 687 and hand over them to the petitioner within a time limit to be fixed by this Hon'ble Court.

For Petitioner : Ms.R.Balambigai Gowri

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 an order on the petition dated 29.05.2017 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 29.05.2017, 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 Advocate submitted that the respondent may be directed to dispose of the petition dated 29.05.2017 filed by the petitioner 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 29.05.2017 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.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

The District Collector,
Tirupur District. Tirupur.

+lcc to Mr.S.Namasivayam, Advocate, S.R.No. 36944

+lcc to the Government Pleader, S.R.No. 37662

W.P.No.11329 of 2019

EV(CO)
GN(08/05/2019)