

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.7564 of 2019

M/s.Equitas Small Finance Bank Limited,
rep. by Authorised Signatory
Spencer Plaza, 4th Floor, Phase-II,
No.769, Mount Road, Anna Salai,
Chennai - 600 002. ... Petitioner

-vs-

The District Collector,
Salem District,
Salem. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to dispose of the petition filed by the petitioner under Section 14 of the SARFAESI Act 2002 on 15.09.2017, which has been taken by the respondent as Petition No.ROC No.28175/2017/C5 dated 19.12.2017 as expeditiously as possible as per Section 14 of the SARFAESI Act, 2002.

For Petitioner : Mr.V.Govardhanan

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 15.09.2017 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 15.09.2017, 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. 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 15.09.2017 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.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

The District Collector,
Salem District, Salem.

+1 cc to Mr.V.Govardhanan, Advocate SR.No.24366
+1 cc to The Government Pleader, SR.No.25184

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RR(CO)
CSL/08.04.2019

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