

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.7865 of 2019

UCO Bank,
rep. by Assistant General Manager
and Authorised Officer K.Ravikumar,
Chennai Main,
1st Floor, No.328, Thambu Chetty Street,
Chennai-1. ... Petitioner

-vs-

- 1.The District Collector cum District Magistrate,
Thiruvallur District,
Thiruvallur.
- 2.The Tahsildar,
Ponneri Division,
Thiruvallur District,
Thiruvallur.
- 3.M.V.Sesha Rao,
Proprietor,
M/s.Sindhuja Modern Dhall @ Rice Mills,
No.T/F-111, Anna Fruit Wholesale Market,
Koyambedu Market,
Chennai - 600 092. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent District Collector cum District Magistrate to expeditiously dispose the application filed by the petitioner Bank under Section 14 of the SARFAESI Act 2002 filed on 27.06.2018 within a time frame.

For Petitioner

: Mr.B.Srikrishnan

For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 and 2

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 respondent Nos.1 and 2.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing respondent No.1 to pass orders on the petition dated 27.06.2018 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 respondent Nos.1 and 2.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 27.06.2018, 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 petition dated 27.06.2018 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 V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector cum District Magistrate,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Ponneri Division,
Thiruvallur District,
Thiruvallur.

+1 cc to M/s.B.Sreekrishnan, Advocate Sr.No.25053

+1 cc to The Government Pleader, Sr.No.25673

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RR(CO)
CSL/08.04.2019



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