

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.9356 of 2019

State Bank of India,
Rep. by its Chief Manager.

.. Petitioner

-vs-

1.The District Collector
Tiruvallur District, Tamil Nadu.

2.M/s.Yes Vee Brothers,
Rep. by its Partners.

3.S.Vasantha

4.R.Selvaraj

5.Manohar Selvaraj

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent - District Collector cum District Magistrate, Krishnagiri, to dispose of the petitioner's application dated 27.09.2018 filed under Section 14 of the SARFAESI Act, 2002, within a time frame pertaining to the property situate at Plot No.102, SIDCO Womens Industrial Park, Thirumullaivoyal, comprised in S.No.153 Part and 154 Part, forming part of Vellanur Village, Ambattur Taluk, Tiruvallur District, measuring an extent of 0.99 acres or 400 sq.mtr belonging to respondents 3 to 5.

For Petitioner : Mr.S.Arun Kumar

For Respondent : Mr.S.Kamalesh Kannan
Govt. Advocate for R-1

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O R D E R

(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 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 27.09.2018 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 27.09.2018, 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. Learned Government Advocate submitted that the first respondent may be directed to dispose of the petition dated 27.09.2018 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 first respondent to consider and pass orders on the petition dated 27.09.2018 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.

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

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

Sra

To

The District Collector,
Tiruvallur District.

+lcc to Mr.M.L.Ganesh, Advocate, S.R.No. 31129

+lcc to the Government Pleader, S.R.No. 31308

W.P.No.9356 of 2019

SJ(CO)

GN(26/04/2019)

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