

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.13839 of 2019

M/s.HDFC Bank Limited,
Senapati Bapat Marg, Lower Parel (West)
Mumbai-400 013 and Branch office at
CEE BROS Building,
No.110, 4th Floor, Nelson Manickam Road,
Aminjikarai, Chennai-600 029
rep. by its Authorised Officer K.Karutharasan.
.. Petitioner

-vs-

- 1.The District Collector cum District Magistrate,
Tiruvallur Collectorate,
Tiruvallur District.
- 2.The Tahsildar,
Ponneri Taluk Office,
Ponneri.
.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent, the District Collector cum District Magistrate of Tiruvallur to provide administrative assistance on an expeditious basis under Section 14 of the SARFAESI Act, 2002 to take possession of the secured asset with respect to the application filed by the petitioner bearing Spl. Reg No.79/2015/M2, dated 27.11.2015, which is pending on the file of the 1st respondent.

For Petitioner : Mr.S.Ram Prasad

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Mr.S.N.Parthasarathy, learned Government Advocate accepts notice on behalf of respondents.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the first respondent to pass an order on the petition dated 27.11.2015 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 respondents.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 27.11.2015, 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 27.11.2015 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 27.11.2015 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)

//True Copy//

Sub Assistant Registrar

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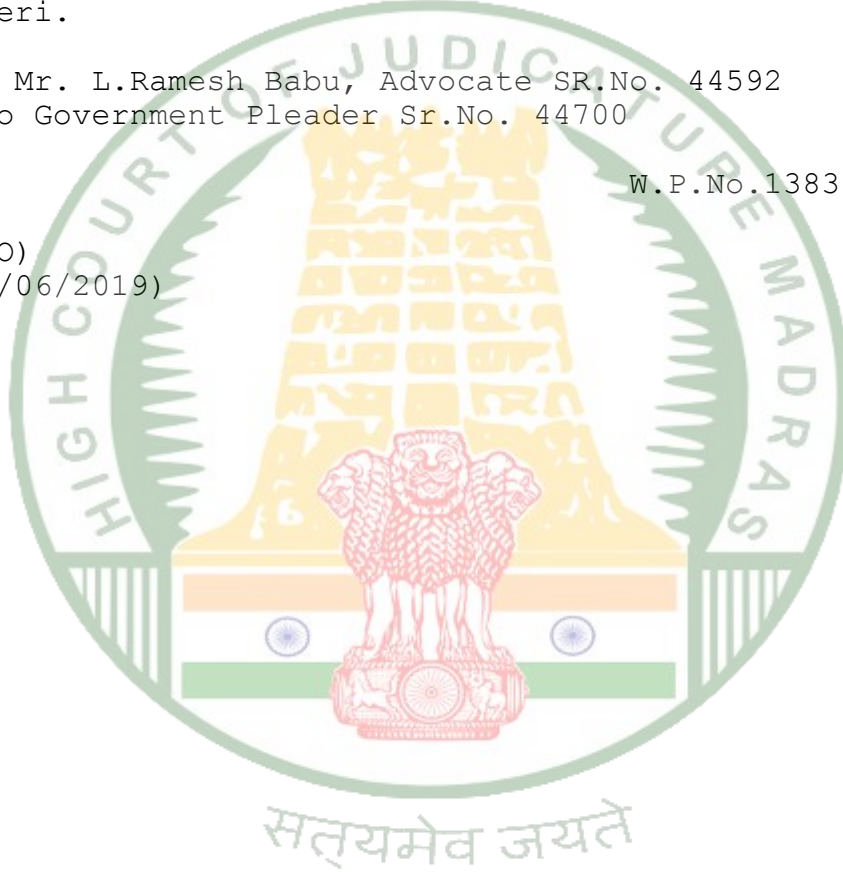
1.The District Collector cum District Magistrate,
Tiruvallur Collectorate,
Tiruvallur District.

2.The Tahsildar,
Ponneri Taluk Office,
Ponneri.

+1cc to Mr. L.Ramesh Babu, Advocate SR.No. 44592
+1 cc to Government Pleader Sr.No. 44700

W.P.No.13839 of 2019

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