

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.11088 of 2019

JM Financial Asset Reconstruction Co. Ltd.,
Having its registered office at 7th Floor, Cnergy,
Appasaheb Marathe Marg, Prabhadevi,
Mumbai-400 025

And also at 3rd Floor, B Wing, Suashish IT Park,
Plot No.68E, Off Dattapada Road,
Opp Tata Steel, Borivali (East)
Mumbai-400 066

rep. by Viral Doshi, Authorised Officer. ... Petitioner

-vs-

The District Collector cum District Magistrate,
Cuddalore District.
Cuddalore.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to consider the application dated 15.05.2017 filed in SR No.621 of 2017 by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within a time frame as may be stipulated by this Court.

For Petitioner : Mr.A.V.Aru

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 15.05.2017 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 15.05.2017, 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 15.05.2017 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 15.05.2017 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 (CS VI)

//True Copy//

Sub Assistant Registrar

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To

The District Collector cum District Magistrate,
Cuddalore District, Cuddalore.

+1cc to Mr.R.Sugumaran, Advocate, S.R.No.38036

+1cc to the Government Pleader, S.R.No.37663

W.P.No.11088 of 2019

PA (CO)

RRS (09/05/2019)