

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. NO.12665 OF 2019

JM Financial Asset Reconstruction Company Limited,
rep. by its Senior Associate Ashlesh Bal,
7th Floor, Cnergy, Appasaheb Marathe Marg,
Prabhadevi, Mumbai-400 025.

.. Petitioner

-vs-

1. The District Collector cum Magistrate,
Kancheepuram Collectorate,
Kancheepuram-631 501.

2. M/s.Forge Tools,
No.17, Gandhi Street,
Vanuvampet, Chennai-600 091.

3. S.Subramaniam

4. Rathna Subramanian

5. Lakshmi Vasan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to forthwith consider and pass appropriate and necessary orders in the petitioner's petition dated 04.01.2019 bearing reference number 229 of 2019 filed before the 1st respondent under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within such time frame as this Hon'ble Court may see fit to impose in accordance with law.

For Petitioner

: Mr.V.V.Sivakumar

For Respondent

: Mr.S.Kamalesh Kannan
Government Advocate
for respondent No.1

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 No.1.

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 04.01.2019 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 petition was filed by the petitioner on 04.01.2019, 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 04.01.2019 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 04.01.2019 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 V)

//True Copy//

Sub Assistant Registrar

bbr

To

The District Collector cum Magistrate,
Kancheepuram Collectorate,
Kancheepuram-631 501.

+1cc to Mr.V.V.Sivakumar, Advocate, S.R.No.40922
+1cc to the Government Pleader, S.R.No.43062

W.P.No.12665 of 2019

SVI (CO)
CM/26/06/2019



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