

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.21202 of 2019

Lakshmi Vilas Bank,
Rep. by its Chief Manager,
Mr.D.Venkatasubramanian.

.. Petitioner

-vs-

1.The District Collector,
Salem, Salem District.

2.The Revenue Divisional Officer,
Salem, Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to forthwith number the application made by the petitioner Bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and dispose of the same in accordance with law, within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Arunbabau

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate

सतयमेव जयते
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 respondents.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondents to pass orders on the application dated 22.01.2018 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 respondents.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 22.01.2018, 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 22.01.2018 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 22.01.2018 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.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

sra

To

1.The District Collector,
Salem, Salem District.

2.The Revenue Divisional Officer,
Salem, Salem District.

+1 CC to Mr.A.Arunbabau , Advocate sr 62585.

+1 CC to Govt. Pleader sr 63402.

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PM(CO)

SP(13/08/2019)