

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.13827 of 2019

The Chief Manager & Authorised Officer (Law),
Stressed Assets Management Branch,
Allahabad Bank,
No.20, Apex Chambers,
Sir Thyagaraya Road,
Chennai-600 017. ... Petitioner

-vs-

1.The District Collector cum District Magistrate,
Thiruvallur District,
Thiruvallur.

2.G.Yamini

3.M/s.Vaishnavi Apparels,
Proprietrix Mrs.G.Yamini,
Plot No.118, SIDCO Womens Industrial Estate,
Vellanur Village, Ambattur Taluk,
Thiruvallur District.

4.Manivannan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to pass an order in the petitioner's Section 14(1) and (2) SARFAESI Act petition and to hand over the vacant possession in Petition RC No.22673/2017/M2 filed on 10.10.2017 filed under Section 14(1) of SARFAESI Act pending on the file within a time frame as may be fixed by this Hon'ble Court.

For Petitioner

: Mrs.L.Poompavai
for Mr.Rajagopalan N.R.

For Respondents : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent No.1

ORDER

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

Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) 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 an order on the petition dated 10.10.2017 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 Pleader (i/c) appearing for the first respondent.

4. Learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 10.10.2017, 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 Pleader (i/c) submitted that the first respondent may be directed to dispose of the petition dated 10.10.2017 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 first respondent to consider and pass orders on the petition dated 10.10.2017 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)

//True Copy//

Sub Assistant Registrar

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To

The District Collector cum District Magistrate,
Thiruvallur District,
Thiruvallur.

+1cc to Mr.Rajagopalan N.R. , Advocate SR.No. 44680

+1 cc to Government Pleader Sr.No. 44173

W.P.No.13827 of 2019

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A.SK(10/07/2019)



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