

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAIWAMY

W.P. No.15537 of 2019

The Authorized Officer,
South Indian Bank,
Regional Office No.43,
Ground Floor, Hameedia Centre,
Haddows Road,
Nungambakkam,
Chennai-6. .. Petitioner

-vs-

1.The District Collector,
Namakkal District,
Tamil Nadu.
2.M/s.Jaihind Spinning Mills Limited,
No.235, Mint Street, Park Town,
Chennai - 600 003. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the first respondent to dispose of the application dated 24.10.2018 filed under Section 14 of SARFAESI Act in respect of factory land and building situate at Door No.5/15 forming part of Paichal Village, Namakkal Taluk, Namakkal District, comprising Survey No.21, measuring an extent of 8.17 acres belonging to the second respondent.

For Petitioner : Mr.S.Arun Kumar

For Respondents : 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 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 application dated 24.10.2018 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 first respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 24.10.2018, 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 application dated 24.10.2018 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 application dated 24.10.2018 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.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

bbr

To

The District Collector,
Namakkal District,
Tamil Nadu.

+1cc to Mr.S.Arunkumar, Advocate, S.R.No.46492
+1cc to the Government Pleader, S.R.No.46896

W.P.No.15537 of 2019

SSV (CO)

RRS (09/07/2019)



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