

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.16900 of 2019

Repco Home Finance Limited,
Alexander Square,
Guindy, Chennai - 600 032
rep. by its Authorized Officer ... Petitioner

-vs-

The District Collector,
(District Magistrate)
Coimbatore,
Coimbatore District. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent to pass appropriate orders in the application dated 01.06.2017 submitted under Section 14 of the SARFAESI Act by the petitioner and being prosecuted by the petitioner, rendering necessary assistance to the petitioner in terms of Section 14 of the SARFAESI Act, to take vacant physical possession of the secured assets as set out in the Section 14 application pending with the respondent.

For Petitioner : Mr.A.Ilangovan

For Respondent : Mr.S.N.Parthasarathy
Government Advocate

ORDER

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

Mr.S.N.Parthasarathy, 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 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. The learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner during July, 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. The Learned Government Advocate submitted that the respondent may be directed to dispose of the petition 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 filed by the petitioner during July, 2017 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(CCC)

True Copy

Sub-Assistant Registrar

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To

The District Collector, (District Magistrate)
Coimbatore, Coimbatore District.

+1 CC to The Govt. Pleader sr 52370.

W.P.No.16900 of 2019

PPA(CO)
SP(23/07/2019)