

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.20901 of 2019

M/s.Tamilnad Mercantile Bank Ltd.,
Rep. by its Authorised Officer,
Mr.R.Mariappan. .. Petitioner

-vs-

The District Magistrate/The District
Collector, O/o.Chennai, Chennai District. .. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to take appropriate action in the SARFAESI Application filed under Section 14 (1) of the SARFAESI Act by the petitioner's bank on 10.10.2018 within a specified date that may be fixed by this Court.

For Petitioner : Mr.P.Tamilavel

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

O R D E R

(Order of the Court was 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 orders on the application dated 10.10.2018 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 respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 10.10.2018, the respondent-District Magistrate/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 respondent may be directed to dispose of the petition dated 10.10.2018 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 respondent to consider and pass orders on the petition dated 10.10.2018 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(CS III)

//True Copy//

Sub Assistant Registrar

(sra)

To

1.The District Magistrate/The District Collector, O/o.Chennai, Chennai District.

+1cc to Mr.P.Tamilavel, Advocate sr.61798

W.P.No.20901 of 2019

rsv(co)

nr 27/08/2019