

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.24047 of 2019

IDBI Bank Limited,
rep. by its Authorized Officer C.Nachiar Devasena,
2nd Floor, IDBI Building,
No.115, Anna Salai,
Saidapet,
Chennai-600 015.

.. Petitioner

-vs-

1. The District Collector,
Collectorate, 1st Agraharam,
Salem District,
Salem-636 001.

2. M/s.Nandhi Dall Mills,
rep. by its Partners
a. S.A.Kumar
b.K.Jayanthi
c.K.Arun
No.270, Narasimman Road,
Shevapet,
Salem-636 002.

3. S.A.Kumar

4. K.Jayanthi

5. K.Arun

.. 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 petition under Section 14(1) and (2) SARFAESI Act dated 05.07.2017 pending on the file of the

first respondent within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.D.Baskar
for M/s.L.Poompavai

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 orders on the petition dated 05.07.2017 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 Advocate appearing for the first respondent.

4. The learned counsel appearing for the petitioner submitted that though the petition was filed by the petitioner on 05.07.2017, the first respondent-District Collector has not disposed of the same till date. He submitted that in view of the long pendency of the matter, the petitioner is not in a position to take possession of the property.

5. Having regard to the submission made by the learned counsel for the petitioner 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 05.07.2017 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.

6. With the above observation, the writ petition is disposed of. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

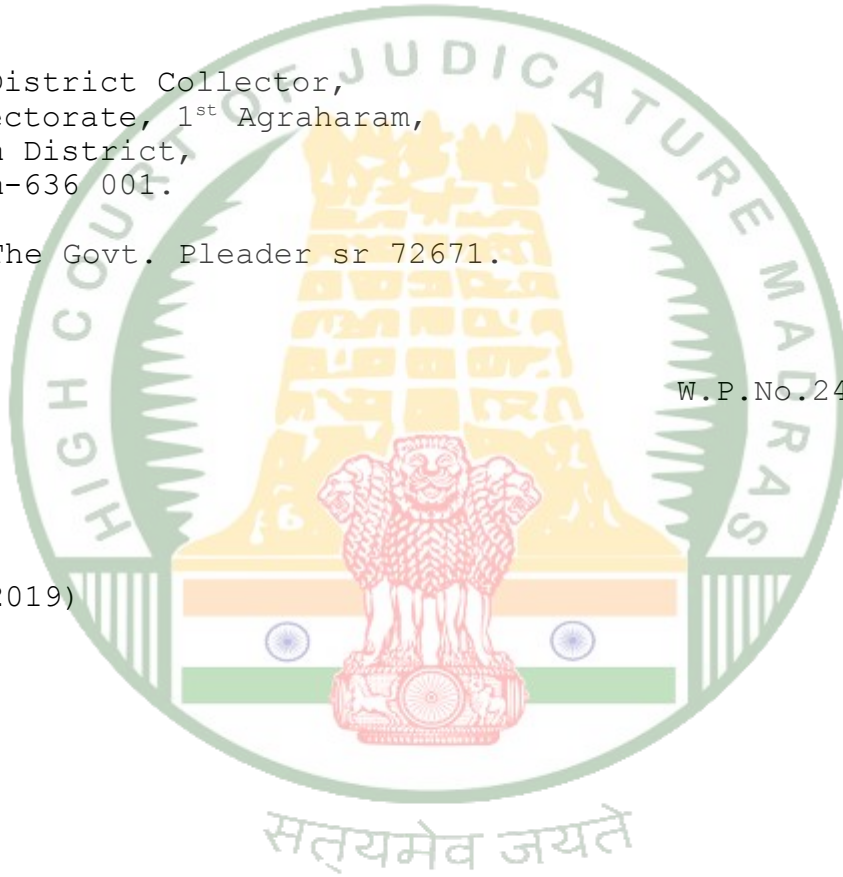
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To:

The District Collector,
Collectorate, 1st Agraharam,
Salem District,
Salem-636 001.

+1 CC to The Govt. Pleader sr 72671.

W.P.No.24047 of 2019

SJ(CO)
SP(17/09/2019)



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