

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.23977 of 2019

M/s.Equitas Small Finance Bank Limited,
rep. by its Authorised Signatory
Deputy Manager (Legal) K.Siva Raja Pandian,
Having Registered Office at No.769
Spencer Plaza, 4th Floor, Phase-II,
Anna Salai, Chennai - 600 002. .. Petitioner

-vs-

1.The District Magistrate/District Collector,
Collectorate of Coimbatore,
Coimbatore.

2.M/s.Durai and Co.,
by its Proprietor V.Gopalakrishnan,
Old No.657, New No.641, R.G. Street,
Coimbatore-641 001.

3.M/s.Karthik Rice Mundy,
by its Proprietor G.Karthik,
Old No.676, New No.635, R.G. Street,
Coimbatore-641 001.

4.Gopalakrishnan

5.Rajalakshmi

6.G.Karthik

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to dispose of and pass orders on the application of the petitioner filed under Section 14 of the SARFAESI Act dated 06.05.2019 against the respondents 2 to 5 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.A.Damodaran

For Respondents : S.N.Parthasarathi
Government Advocate
for respondent No.1

ORDER

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

Mr.S.N.Parthasarathi, 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 06.05.2019 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 06.05.2019, 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 06.05.2019 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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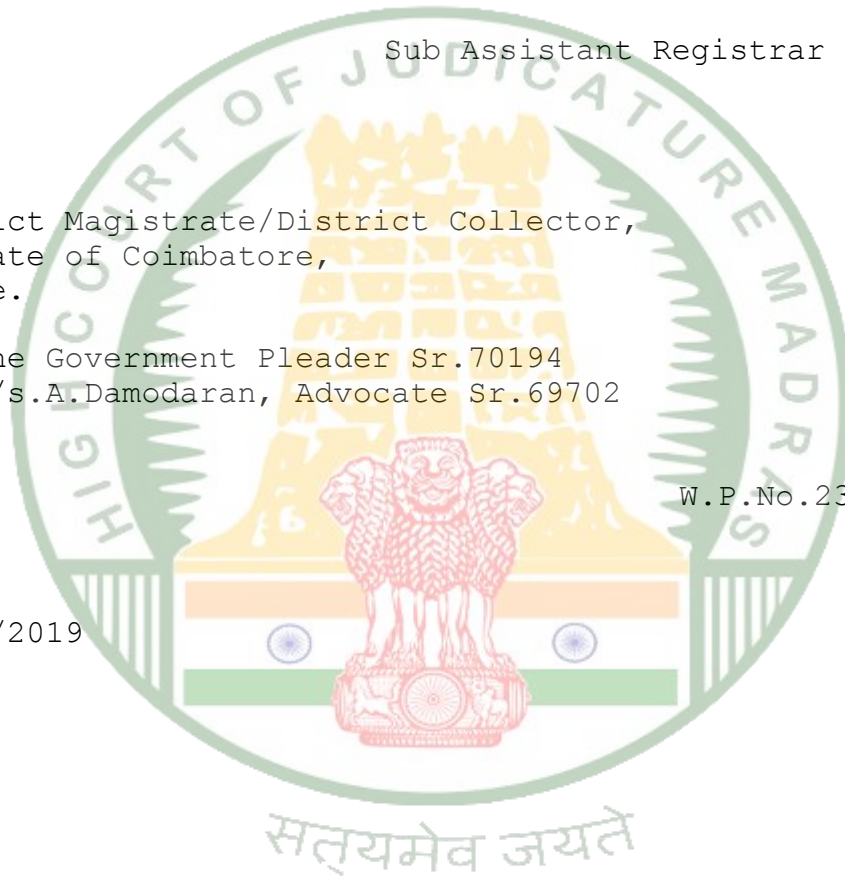
To:

The District Magistrate/District Collector,
Collectorate of Coimbatore,
Coimbatore.

+1cc to the Government Pleader Sr.70194
+1cc to M/s.A.Damodaran, Advocate Sr.69702

W.P.No.23977 of 2019

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srg 14/09/2019



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