



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.24381 of 2019

Andhra Bank Zonal Office
Rep. by Chief Manager/Authorised
Officer, N.R.K.Prasad.

.. Petitioner

-vs-

1.The District Magistrate/Collector
of Tiruvallur, Collectorate Office,
Chennai 600 001.

2.M/s.Sri Vijay Enterprises,
Prop. D.Hazarathaiah.

3.D.Hazarathaiah

4.M.Srinivasulu

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to take physical possession of the property situated consisting of ground floor and first floor to an extent of 1150 sq.ft. at Plot No.18, West Part, Samy Nagar, comprised in Survey No.1395 part as per Patta S.No.1395/13 of Madhavaram Village, Ambattur, Thiruvallur District and hand over the same to the petitioner so that the petitioner can deliver the possession to the successful bidder on receiving the balance of sale consideration.

For Petitioner	:	Mr.T.Narayanasamy
For Respondents	:	Mr.S.Kamalesh Kannan Govt. Advocate for R-1

O R D E R

(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 1st respondent to take physical possession of the property consisting of ground floor and first floor to an extent of 1150 sq.ft. situated at Plot No.18, West Part, Samy Nagar, comprised in Survey No.1395 part as per Patta S.No.1395/13 of Madhavaram Village, Ambattur, Thiruvallur District and hand over the same to the petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

4. The learned counsel for the petitioner submitted that he is restricting his prayer to the application preferred by the petitioner on 25.07.2018 being disposed of expeditiously. He further submitted that though the application was filed by the petitioner on 25.07.2018, 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. Learned Government Advocate submitted that the first respondent may be directed to dispose of the petition dated 25.07.2018 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 petition dated 25.07.2018 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.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

sra



To

1. The District Magistrate/Collector
of Tiruvallur, Collectorate Office,
Chennai 600 001.

+1 CC to Mr.T.Narayanasamy, Advocate sr 71262.
+1 CC to Govt. Pleader sr 72101

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SAI (CO)
SP(13/09/2019)