

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.26438 of 2019

Bank of India,
rep. by its Authorised Officer,
Main Branch,
No.324, Star House,
Oppanakara Street,
Coimbatore-641 001
rep. by its Authorised Officer &
Assistant General Manager I.Thaveethuvel.

.. Petitioner

-vs-

1.The District Magistrate and the District Collector,
Coimbatore.

2.The State of Tamil Nadu,
rep. by its Secretary,
Department for Finance,
Fort St. George,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to pass appropriate order on the application dated 29.12.2016 under Section 14 of the SARFAESI Act by appointing an appropriate person to take physical possession of the properties of the borrower within a stipulated time frame fixed by this Hon'ble Court.

For Petitioner

: Mr.K.T.Raajhavelu

For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate

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 respondents.

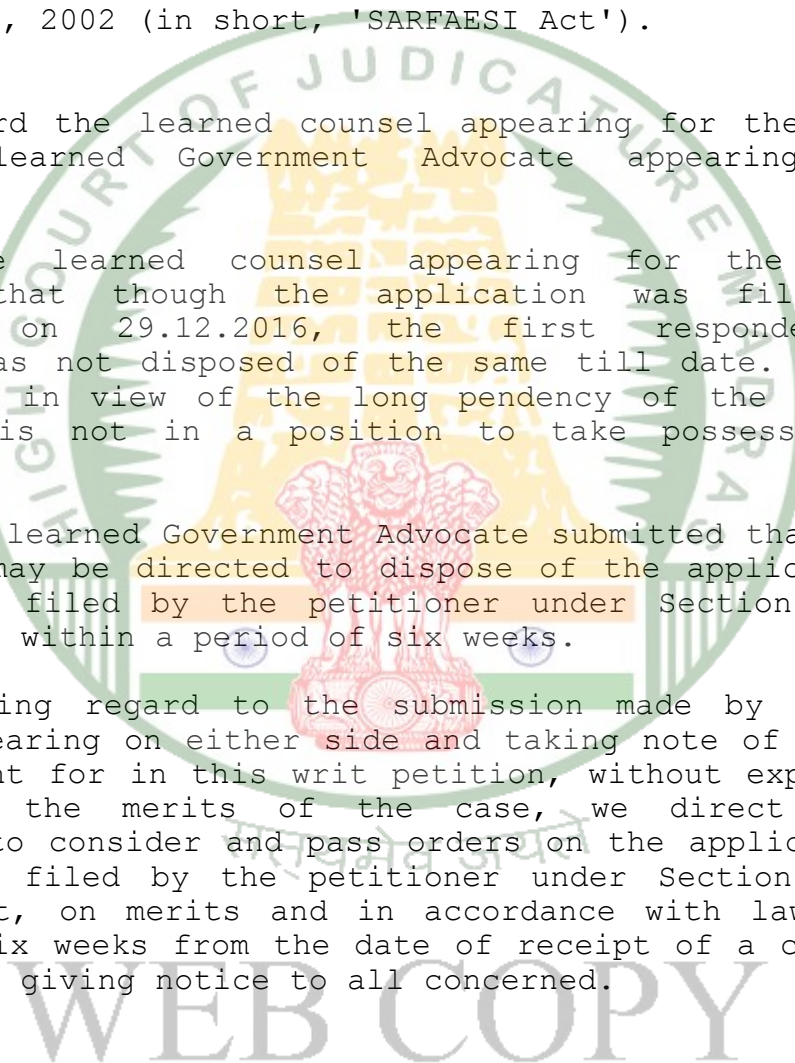
2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondents to pass orders on the application dated 29.12.2016 filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act').

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

4. The learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 29.12.2016, the first 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 first respondent may be directed to dispose of the application dated 29.12.2016 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 application dated 29.12.2016 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. Consequently, W.M.P.No.25797 of 2019 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrars

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To:

- 1.The District Magistrate and the District Collector,
Coimbatore.
- 2.The Secretary,
State of Tamil Nadu,
Department for Finance,
Fort St. George,
Chennai.

+1 cc to Mr.K.T.Raajha velu Advocate sr77462
+1 cc to Government Pleader sr77781

W.P.No.26438 of 2019

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