

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Writ Petition No.33358 of 2019

M/s.Tamil Nadu Mercantile Bank Ltd.,
Elampillai Branch,
represented by its Authorised Officer
Mr.S.Rajendran
Having Regional Office at
No.105, Ramakrishna Road (1st Floor),
near ATC Depot,
Salem - 636 007.

... Petitioner

Vs

The District Magistrate/The District Collector,
O/o.Salem Collectorate,
Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondent to take appropriate action in the SARFAESI Application ROC No.25900/2019 dated 24.09.2018 filed u/s.14 of the SARFAESI Act by the petitioner Bank within a specified date.

For Petitioner : Mr.P.Tamilavel
For Respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing respondent to take appropriate action in the SARFAESI Application ROC No.25900/2019 dated 24.09.2018 filed u/s.14 of the SARFAESI Act by the petitioner Bank within a specified date.

2. It is the case of petitioner bank that Mr.A.Saravanamoorthy, Prop. M/s.Latha Silks has availed credit facility in the form of cash credit for a sum of Rs.90,00,000/- on 12.05.2016 and term loan for a sum of Rs.120 lakhs on

12.12.2014 from the petitioner bank and one Mrs.s.Hemalatha, stood as guarantor. Both of them have produced necessary documents and agreed to repay the loan as per the agreement. The borrower had deposited the original title deeds in respect of the following properties: (a) land to an extent of 15696 sq.ft. with residential, staff quarters, power loom and factory building comprised in S.No.491/4, 491/5 Part, 491/6 and 491/7 Chinnappampatty Main Road (near Godown bus stop), Edangana Salai, standing in the name of Mr.A.Saravanmurthy (b) land to an extent of 4930 sq.ft. and residential building constructed thereat to an extent of 4431 sq.ft. (GF - 1592 sq.ft. (main) + 289 sq.ft. (portico) + FF - 1305 sq.ft. + 435 sq.ft. (ACC Sheet) situated at T.S.No.40, New No.9 (part) D.No.131/56G, Ward-K, Block - 35, Sankar Nagar, Salem, standing in the name of Mr.A.Saravanamuthy. Subsequently, the borrower defaulted in making payments and hence, the account became 'Non-Performing Asset' on 30.11.2016. Therefore, the petitioner bank issued a notice u/s.13(2) of SARFAESI Act on 01.06.2017 claiming a sum of Rs.1,04,19,569.29 towards cash credit and a sum of Rs.1,18,10,525.96 towards Term Loan as on 31.05.2017. Since the borrower did not repay the amount, a further possession notice u/s.13(4) of SARFAESI Act was issued on 01.09.2017. Despite receipt of the same, the amount was not repaid. Hence, the petitioner bank has filed an application u/s.14(1) of SARFAESI Act before the respondent seeking assistance for taking physical possession of the secured asset on 24.09.2018. Since no action was taken on the said application, the present Writ Petition has been filed.

3. Heard learned counsel for petitioner and learned Government Pleader for respondent.

4. Considering the limited prayer sought for in this Writ Petition, this Court, without going into the merits of the case, directs the respondent to take appropriate action on the SARFAESI Application ROC No.25900/2019 dated 24.09.2018 filed u/s.14(1) of the SARFAESI Act by the petitioner Bank within a period of eight weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction.
No costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

gm

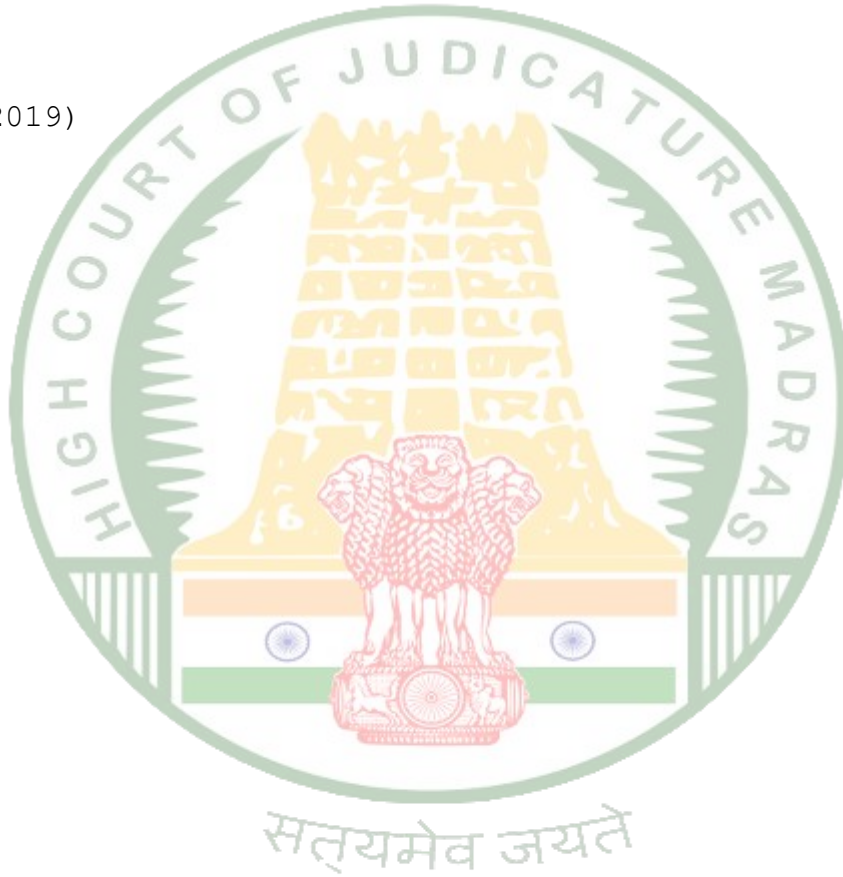
To

The District Magistrate/The District Collector,
O/o.Salem Collectorate,
Salem District.

+1 CC to Mr.P.Tamilavel, Advocate sr 99734.

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CA (CO)
SP(18/12/2019)



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