

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.26508 of 2019 and

W.M.P.No.25873 of 2019

V.Damodaran

.. Petitioner

Vs.

1.The Registrar,
DRT III, VI Floor,
Dewa Towers, Anna Salai,
Chennai - 600 002.

2.The Authorized Officer,
M/s.Electronica Finance Limited,
Kalichandra Apartments,
S.No.128/1A, Plot No.3,
Paud Road, Kothrud,
Pune - 411 038, Maharashtra.

3.Iswant Singh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the Debts Recovery Tribunal - III to allow the petitioner to file SARFAESI Application against the order of District Collector No.Rc.M3/16870/2018 dated 25.04.2019 under Section 14 of the SARFAESI Act which was passed without notice to the petitioner, by condoning the delay of 71 days.

For Petitioner : Mr.Senthil Murugan

ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAIWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus to direct the Debts Recovery Tribunal - III to allow the petitioner to file SARFAESI Application against the order of District Collector dated 25.04.2019 under Section 14 of the SARFAESI Act which was passed without notice to the petitioner, by condoning the delay of 71 days.

2.The District Collector, Kancheepuram, passed an order dated 25.04.2019 in the application filed under Section 14 of the SARFAESI Act by M/s.Electronica Finance Limited. By the said order, the District Collector directed the Tahsildar, Pallavaram to take possession of the secured assets from the petitioner.

3.Though this order was passed on 25.04.2019, the petitioner has not filed an appeal under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal. Now, the petitioner has filed the Writ Petition to direct the Debts Recovery Tribunal to entertain the appeal filed after the expiry of 45 days stipulated under Section 17 of the SARFAESI Act. It is settled position that the delay in filing the Securitisation Appeal under Section 17 of the SARFAESI Act cannot be condoned.

4.In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Registrar,
DRT III, VI Floor,
Dewa Towers, Anna Salai,
Chennai - 600 002.

Copy to

The District Collector
Kancheepuram District

+1 CC to Mr.V. Senthil Murugan, Advocate sr 76721.

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PPA(CO)
SP(03/10/2019)