

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Writ Petition No.31241 of 2019

M/s.Tamil Nadu Mercantile Bank Ltd.,
Porur Branch,
represented by its Authorised Officer
Mr.R.Mariappan
Having Regional Office at
No.45, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030. ... Petitioner

Vs

The District Magistrate/The District Collector,
O/o.Chennai,
Chennai 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 dated 31.05.2019 filed u/s.14(1) of
the SARFAESI Act by the petitioner Bank within a
specified date.

For Petitioner : Mr.P.Tamilavel
For Respondent : Mr.V.Jayaprakash Narayanan
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 on the SARFAESI Application dated
31.05.2019 filed u/s.14(1) of the SARFAESI Act by the
petitioner Bank within a specified date.

2. It is the case of petitioner bank that one Mrs.R.Sundara Valli, W/o.T.Ravikumar, has availed credit facility in the form of over draft for a sum of Rs.25,00,000/- from the petitioner bank on 19.02.2016 and one Mr.T.Ravikumar, S/o.M.Thangavel, stood as guarantor. Both of them have produced necessary documents and agreed to repay the loan as per the agreement. The guarantor had deposited the original title deeds in respect of the land to an extent of 1800 sq.ft. with residential building (front portion - 1118 sq.ft. and rear portion - 546 sq.f.t) thereat in Old S.No.228, New S.No.228/1E, Plot No.16, 4th Street, Devi Seemathammal Nagar, Maduravoyal Village, Ambattur Taluk, Thiruvallur District, Chennai - 95 standing in his name. Subsequently, the borrower defaulted in making payments and hence, the account became 'Non-Performing Asset' on 31.05.2017. Therefore, the petitioner bank issued a notice u/s.13(2) of SARFAESI Act on 05.07.2017 claiming a sum of Rs.26,69,045.46/-. Since the borrower did not repay the amount, a further possession notice u/s.13(4) of SARFAESI Act was issued on 21.07.2018. Despite receipt of the same, the amount was not repaid. Hence, the petitioner bank has filed an application u/s.14 of SARFAESI Act before the respondent seeking assistance for taking physical possession of the secured asset on 31.05.2019. 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 dated 31.05.2019 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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

The District Magistrate/The District Collector,
O/o.Chennai,
Chennai District.

+2ccs to Mr.P.Tamilavel , Advocate SR.No. 922251
+1 cc to Government Pleader Sr.No. 92513

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A.SK(26/12/2019)



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