

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.32462 of 2018

G.C.Joe Edwin Sathish ... Petitioner

-vs-

- 1.The Chief Manager,  
Asset Recovery Management Branch,  
Canara Bank,  
Fifth Floor, No.563/1, Anna Salai,  
Teynampet,  
Chennai - 600 018.
- 2.The Manager,  
Canara Bank,  
Hitech Agricultural Finance Branch,  
No.770-A, Spencer Annex-II,  
Anna Salai, Chennai - 600 002.
- 3.The District Collector,  
Office of the District Collector,  
Thiruvallore,  
Thiruvallore District.

.. Respondents

(Respondent No.3 impleaded as per the  
order dated 20.02.2019 made in  
W.M.P.No.4284 of 2019)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to perform their duty/obligation by handing over physical possession of the property comprised in Survey No.245/2C, 1B, measuring to an extent of 2400 sq. ft. situated at Plot No.26, Senthilsamy Street (Formerly known as Sundarammal Street), Kamaraj Nagar, Hamlet No.5, Villinjimbakkam Village,

Avadi, Poonamallee Taluk, Thiruvallore District.

For Petitioner : Mr.S.Gopi

For Respondents : Mr.R.Umasuthan  
for respondent Nos.1 & 2  
(No Appearance)

Mr.S.Kamalesh Kannan  
Government Advocate  
for respondent No.3

ORDER

(Order of the Court was made by M.Duraiswamy, J.)

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondents to perform their duty/obligation by handing over physical possession of the property comprised in Survey No.245/2C,1B measuring to an extent of 2400 square feet situated at Plot No.26, Senthilsamy Street (formerly known as Sundarammal street), Kamaraj Nagar, Hamlet No.5, Villinjimbakkam Village, Avadi, Poonamallee Taluk, Thiruvallore District.

2. It is the grievance of the petitioner that though he had purchased the property in the auction held on 04.10.2016, he is not in a position to take possession of the property in view of the long pendency of the matter before respondent No.3, the District Collector, Thiruvallore under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFEASI Act').

3. In the affidavit filed in support of W.M.P.No.4284 of 2019, the petitioner has stated that an application under Section 14 of the SARFAESI Act was filed by the first respondent Bank as early as on 30.06.2014. However, the same has not yet been disposed of by respondent No.3, the District Collector, Thiruvallore.

4. Respondent Nos.1 and 2 have filed their common counter-affidavit, wherein they have also stated that the application under Section 14 of the SARFAESI Act filed by the first respondent Bank is pending since 2014. Respondent Nos.1 and 2 further stated that by a communication dated 11.07.2014, the District Collector, Thiruvallore directed the Tahsildar, Poonamallee Taluk, Thiruvallore District to file necessary field

report for passing orders and that the Tahsildar, Poonamallee Taluk had also submitted his report to the District Collector, Thiruvallore.

5. In view of the averments stated in the counter-affidavit of respondent Nos.1 and 2, we are of the view that respondent No.3, the District Collector, Thiruvallore may be directed to dispose of the application filed under Section 14 of the SARFAESI Act within a time frame. Accordingly, we direct respondent No.3, the District Collector, Thiruvallore, to dispose of the application under Section 14 of the SARFAESI Act filed by the first respondent Bank within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

bbr  
To

The District Collector,  
Office of the District Collector,  
Thiruvallore,  
Thiruvallore District.

+1cc to Mr.S.Gopi, Advocate SR.No.16389

+1cc to Government Pleader SR.No.15756

W.P.No.32462 of 2018

KJ(CO)  
GMY(22/03/2019)

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