

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.34588 of 2018

Magma Housing Finance,
Rep. by its Authorised Officer,
Mr.M.Shiva Sudhaakar. ... Petitioner

-vs-

The District Collector (Cum) District
Magistrate, District Collectorate,
Vellore-632 009. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondent to dispose of the petitioner application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 dated 15.06.2018 within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Zeakumar

For Respondent : Mr.S.Kamalesh Kannan
Govt. Advocate

O R D E R

(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 respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the respondent to pass an order on the application dated 15.06.2018 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 respondent.

4. Learned counsel appearing for the petitioner submitted that though the application was filed by the petitioner on 15.06.2018, the 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. Learned Government Advocate submitted that the respondent may be directed to dispose of the application dated 15.06.2018 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 respondent to consider and pass orders on the application dated 15.06.2018 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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

The District Collector (Cum) District
Magistrate, District Collectorate,
Vellore 632 009.

+1 cc to Mr.J.Zeakumar, Advocate Sr.No.981
+1 cc to The Government Pleader, Sr.No.1430

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MG(CO)
CSL/24.01.2019