

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.34836 of 2018

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

-vs-

The District Collector (Cum) District
Magistrate, Office of the District Collector,
Kanchipuram 631 501. .. 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 31.07.2018 within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Eraskine Leo

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

सत्यमेव जयते
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 31.07.2018 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 31.07.2018, 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 31.07.2018 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 31.07.2018 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.

sra

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector (Cum) District
Magistrate, Office of the District Collector,
Kanchipuram 631 501.

+1cc to Mr.S.Erasekine Leo, Advocate, S.R.No.773
+1cc to the Government Pleader, S.R.No.1429

W.P.No.34836 of 2018

SS (CO)
KAK (24/01/2019)