



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
AND  
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P(MD)NO.10088 OF 2019**

**and**

**W.M.P(MD)No.7854 of 2019**

Lakshmi Vilas Bank,  
represented by its Authorized Officer,  
Kumbakonam Branch,  
No.11, Thamarai Valagam,  
Sarangapani East Sannathi Street,  
Kumbakonam,  
Thanjavur District - 612 001.

:Petitioner

.vs.

The District Collector,  
Thanjavur District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to pass suitable orders in C.M.P.No.31716 of 2018 submitted by the Petitioner under Section 14 of SARFAESI Act for taking physical possession of the mortgaged property of the borrowers/guarantors within a time frame fixed by this Court.

For Petitioner  
For Respondent

:Mr.C.Jawahar Ravindran  
:Mr.Aayiram K.Selvakumar  
Addl. Govt.Pleader

**O R D E R**

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[Order of the Court was made by **K.KALYANASUNDARAM., J.**]

Heard Mr.C.Jawahar Ravindran, learned counsel for the Petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondent and perused the materials placed before this Court.

2.The prayer in the Writ Petition is to issue a Writ of Mandamus directing the respondent to pass suitable orders in C.M.P.No.31716 of 2018 submitted by the Petitioner under Section 14 of SARFAESI Act for taking physical possession of the mortgaged



property of the borrowers/guarantors, within a time frame fixed by this Court.

3.The case of the Petitioner is that one C.Ganeshamoorthy and one G.Chitra availed financial assistance on behalf of their partnership firm M/s.Barath Enterprises from the Petitioner/Bank in the year 2014. However, due to default in repaying the loan amount, proceedings under the SARFAESI Act was initiated and a symbolic possession was taken by the Petitioner on 24.09.2014 and subsequently the Petitioner approached the respondent for taking physical possession of the property by filing a Petition in C.M.P.No.31716 of 2018. Since no action was taken, a reminder was also sent on 12.3.2019.

4.The learned counsel for the Petitioner would state that Section 14 of SARFAESI Act mandates the respondent to pass orders ordinarily within a period of 30 days and in exceptional cases, within a period of 60 days, but in this case, no order has been passed so far.

5.In similar circumstances, this Court in W.P(MD)No.24182 of 2018, dated 07.12.2018, directed the District Collector to pass orders within a period of six weeks from the date of receipt of a copy of the order.

6.The learned Special Government Pleader appearing for the respondent would state that if the Petition is in order, the respondent is ready to pass final orders, as expeditiously as possible.

7.In the light of the prayer sought for in the Writ Petition and the submissions of the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the respondent to pass final orders on the application of the Petitioner in C.M.P.No.31716 of 2018 within a period of six weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS III)



To

The District Collector,  
Thanjavur District.

+1 CC to M/s.C.JAWAHAR RAVINDRAN, Advocate ( SR-62510[F] dated  
25/04/2019 )

+1 CC to M/s.SPL GP ( SR-62759[F] dated 25/04/2019 )

ORDER MADE IN  
W.P (MD) NO.10088 OF 2019  
and  
W.M.P (MD) No.7854 of 2019

25.04.2019

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