



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2019
CORAM:

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

W.P(MD)NO.10418 OF 2019

and

W.M.P(MD)No.8010 of 2019

Lakshmi Vilas Bank,
represented by its Authorized Officer,
Thuraiyur Branch,
No.268, Trichy Road,
P.B.No.12,
Thuraiyur,
Trichy District - 621 010.

: Petitioner

.vs.

The District Collector,
Trichy District.

: Respondent

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.15975 of 2018 submitted by the Petitioner under Section 14 of SARFAESI Act for taking physical possession of the mortgaged property of the borrower/guarantor within a time frame fixed by this Court.

For Petitioner
For Respondent

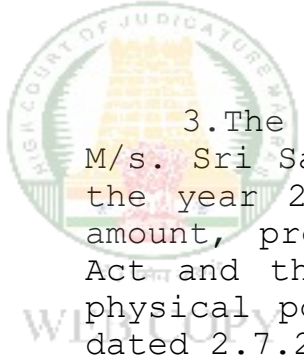
: Mr.C.Jawahar Ravindran
: Mr.P.Kannithevan
Addl. Govt.Pleader

O R D E R

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

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

2.The Petitioner has come forward with this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondent to pass suitable orders in C.M.P.No.15975 of 2018 submitted by the Petitioner under Section 14 of SARFAESI Act for taking physical possession of the mortgaged property of the borrower/guarantor, within a time frame fixed by this Court.



3.The Petitioner would state that one P.Karnan, Proprietor of M/s. Sri Sanjeevi Silks borrowed loan from the Petitioner/Bank in the year 2012. However, due to default in repayment of the loan amount, proceeding was initiated under Section 14 of the SARFAESI Act and the Petitioner has approached the respondent for taking physical possession of the property, by submitting an application, dated 2.7.2018.

4.It is contended by the learned counsel for the Petitioner that as per Section 14 of the SARFAESI Act, the respondent has 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.The learned Additional 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.15975 of 2018, purely on merits and in accordance with law, 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

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Trichy District.

+1 CC to Mr.C.JAWAHAR RAVINDRAN, Advocate (SR-63187[F] dated 27/04/2019)

+1 CC to SPL GP (SR-63403[F] dated 27/04/2019)

ORDER MADE IN
W.P(MD)NO.10418 OF 2019
and
W.M.P(MD)No.8010 of 2019
26.04.2019