



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

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

W.P. (MD) .No.10684 of 2019

R.Kalirajan

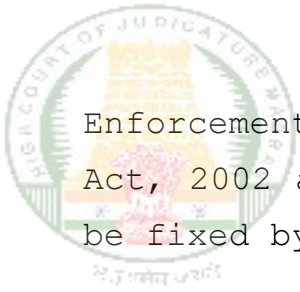
... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Authorised Officer,
State Bank of India,
RASMECCC, Maduram Complex,
Ground Floor, Zonal Office Building,
No.2, Dr.Ambedkar Salai,
Madurai-2.
3. The Manager,
State Bank of India,
RASMECCC Branch 5009,
No.2, Dr.Ambedkar Salai,
Madurai-2.
4. S.Jayasankar
5. J.Sangeetha
6. S.Vasudevan

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to assist the second respondent to take physical possession of the building bearing Door No. Old Door No.13, New Door No.23, measuring 10 ¼ feet east west on both side and 100 feet north south on both sides comprised in T.S.No.1397 in Corporation Ward No.34 in Athomoolam Pillai Agraharam, Madurai Town, by evicting occupants therein as under Section 14 of the Securitisation and Reconstruction of Financial Assets and



Enforcement of Securities Interest Act, shortly called as SARFAESI Act, 2002 and hand over the same to the petitioner within a time to be fixed by this Court.

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For Petitioner : Mr.R.Suriya Narayanan
For R1 : Mr.Aayiram K.Selvakumar
Additional Government Pleader
For R2 & R3 : Mr.A.Rengarajan
Standing counsel

O R D E R

(Order of the Court was made by **K.KALYANASUNDARAM,J.**)

This writ petition has been filed for issuance of a writ of Mandamus directing the first respondent to assist the second respondent to take physical possession of the building bearing Old Door No.13, New Door No.23, measuring 10¼ feet east west on both sides and 100 feet north south on both sides comprised in T.S.No.1397 in Corporation Ward No.34 in Athomoolam Pillai Agraharam, Madurai Town, by evicting occupants therein under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act and hand over the same to the petitioner.

2. Heard Mr.R.Suriya Narayanan, learned counsel for the petitioner, Mr.Aayiram K.Selvakumar, learned counsel for the first respondent and Mr.A.Rengarajan, learned Standing counsel for the respondents 2 and 3. Considering the prayer sought for in the writ petition, notice to the respondents 4 to 6 has been dispensed with.

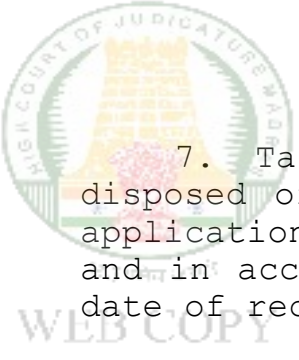
3. It seems that the petitioner is an auction purchaser in the auction conducted by the respondent Bank. Since physical possession was not handed over, he has come forward with this writ petition.

4. The learned Standing counsel appearing for the respondents 2 and 3 would state that the Bank had already filed a petition before the first respondent dated 30.03.2019 in Roc.No.C6/17612 of 2019 under Section 14 of the SARFAESI Act to pass orders for taking physical possession, but so far no order has been passed.

5. The learned Additional Government Pleader appearing for the first respondent would state that if the petition is filed in a proper format, the first respondent is ready to pass orders as expeditiously as possible.

<https://hcservices.ecourts.gov.in/hcservices/>

6. In similar matters, this Court directed the District Collector to pass orders within a period of six weeks.



7. Taking note of the above fact, this writ petition is disposed of directing the first respondent to pass orders, on the application filed by the respondent Bank dated 30.03.2019, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Collector,
Madurai District,
Madurai.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate in SR-64515

+1 CC to M/s.RANGARAJAN, Advocate in SR-64516

W.P. (MD) .No.10684 of 2019

30.04.2019

akv

PK/14.05.2019 : 3P/4C