



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM:

WEB COPY

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

**W.P(MD)NO.9804 OF 2019
and
W.M.P(MD)No.7706 of 2019**

Lakshmi Vilas Bank,
represented by its Authorized Officer,
Kondikulam Branch,
Main Road, Kondikulam,
Kalukapulikadu,
Alivalam Post,
Pattukkottai District,
Thanjavur District.

: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.39977 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.VR.Shanmuganathan
Spl. 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.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondent and perused the materials placed before this Court.

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

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.39977 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 G.Elaiyaraja and his wife E.Neela availed financial assistance from the Petitioner in the year 2015. 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 8.5.2017. Subsequently the Petitioner approached the respondent for taking physical possession of the property by filing a Petition in C.M.P.No.39977 of 2018. Since no action was taken, a reminder was also sent on 19.2.2017.

4.It is the submission of the learned counsel for the Petitioner 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 so far no order has been passed on the application of the Petitioner.

5.In similar circumstances, this Court in W.P(MD)No.24182 of 2018, dated 7.12.2018, 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.Considering the limited scope 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.39977 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(CS)



To

The District Collector,
Thanjavur District.

+1 CC to M/s.C.JAWAHAR RAVINDRAN, Advocate (SR-62183[F] dated
24/04/2019)

+1 CC to M/s.SPL GP (SR-62742[F] dated 25/04/2019)

ORDER MADE IN
W.P(MD)NO.9804 OF 2019
and
W.M.P(MD)No.7706 of 2019

24.04.2019

DS/ /SAR- (29.04.2019) 3 P 4C