



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17205 of 2019

M/s.Housing Development Finance
Corporation Limited,
Rep. by its Authorized Officer,
Mr.Sivakumar, S.
HDFC Ltd., HDFC House,
Vazhuthacaud,
Thiruvananthapuram.

.. Petitioner

Vs.

The District Magistrate and District Collector,
Office of the District Collector,
Collectorate Complex,
Tirunelveli,
Tirunelveli District.

.. Respondent

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondent to number and dispose of the Application No. /2017, filed under Section 14 of SARFAESI Act, in respect of the property allied with the Loan Account No.602354122, Tirunelveli District.

For Petitioner : Mr.M.N.Ramkumar

For Respondent : Mr.N.Shanmuga Selvam
Additional Government Pleader

ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY, J.)

This Writ Petition is filed by a financial Institution for issuance of a Writ of Mandamus, to direct the respondent to dispose of the petition filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [hereinafter referred to as "the SARFAESI Act"].



2.We have heard Mr.M.N.Ramkumar, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for the respondent.

3.We have already held in a batch of Writ Petitions that the time limit specified under Section 14 of the SARFAESI Act is directory and not mandatory. Accordingly, the respondent has jurisdiction to proceed with and pass orders on the petition filed under Section 14 of the SARFAESI Act.

4.In view of the limited scope of the prayer made in the present Writ Petition, we are of the view that the petition filed by the petitioner, may be directed to be disposed of by the respondent, by considering the same on merits and passing orders thereon within a period of one month from the date of receipt of a copy of this order.

5.In the result, this Writ Petition is disposed of, by directing the respondent to consider the petition filed by the petitioner herein, dated 15.10.2017, and pass orders thereon, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Magistrate and District Collector,
Office of the District Collector,
Collectorate Complex, Tirunelveli,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-80718[F] dated 08/08/2019)

Order in
W.P. (MD)No.17205 of 2019
06.08.2019

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JMN(20.08.2019) 2P : 3C