



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.17301 of 2019

Cholamandalam Investment and Finance Company Ltd.,
Rep. by its Authorised Officer,
M.Vasanth,
Dare House, No.2, N.S.C. Bose Road,
Parrys, Chennai - 600 001.

.. Petitioner

Vs.

The District Magistrate/District Collector,
Madurai District Collector Office,
Collectorate Complex,
Madurai - 625 020.

.. 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 pass orders on the petition filed on 07.03.2017 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and implement the same, within a time frame to be fixed by this Court.

For Petitioner : Mr.K.J.Parthasarathy

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 pass orders on the petition filed on 07.03.2017 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"] and implement the same, within a time frame to be fixed by this Court.

2. We have heard Mr.K.J.Parthasarathy, learned counsel appearing
<https://hcservices.ecourts.gov.in/hcservices/>



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 07.03.2017, 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Magistrate/District Collector,
Madurai District Collector Office,
Collectorate Complex, Madurai - 625 020.

+1 CC to M/s.K.J.PARTHASARATHY, Advocate (SR-80110[F] dated 06/08/2019)

+1 CC to M/s.SPL GP (SR-80257[F] dated 07/08/2019)

Order in
W.P. (MD) No.17301 of 2019
06.08.2019

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