



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.23233 of 2019

Equitas Small Finance Bank Ltd.,
having office at No.2nd Floor, Sree Nagar Arcade,
No.5, Willams Road, Cantonment, Trichy - 620 001.
Rep by its Authorized Officer,
Mr.A.Sivalingam

... Petitioner

Vs.

1.The District Collector cum District Magistrate,
District Collector Office,
Thanjavur District.

2.The Revenue Divisional Officer,
RDO Office,
Thanjavur District.

3.The Tahsildar,
Orathanadu Tahsildar Office,
Orathanadu, Thanjavur District.

4.The Inspector of Police,
Orathanadu Police Station,
Thanjavur Distirct.

5.R.Govindaraju

6.G.Selvi

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent nos.1 to 4 to expeditious disposal of the first respondent's order in R.C.No.39845/2017/C1 dated 30.07.2018 with in a time limit as may be fixed by this Court.

For Petitioner : Mr.K.Govindarajan

For Respondents 1 to 4 : Mr.A.K.Baskara Pandiyan, Spl. GP

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.K.Govindarajan, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandiyan, learned Special Government Pleader appearing for the respondents 1 to 4.



2.By consent of both parties, the writ petition is taken up for final disposal.

3.The petitioner, which is a scheduled Bank, seeks for a direction upon the District Collector, Thanjavur to implement the order passed by him under Section 14 of SARFAESI Act dated 30.07.2018.

4.It is seen that pursuant to the proceedings passed by the District Collector, the Tahsildar has also fixed a date for taking over possession by giving notice dated 06.09.2019. However, on the said date fixed in the said notice viz., 19.09.2019, the possession has not been taken over.

5.It is submitted by the learned counsel for the petitioner that the borrower has sought for certain time from the authorities and therefore, the matter has been put in cold storage. The District Collector having passed orders on 30.07.2018, the revenue administration should take sufficient time to take steps subject to any challenge made by the borrower before the Debts Recovery Tribunal. Therefore, if there is no challenge by the borrower to the order passed by the District Collector, it goes without saying that the District Collector's order shall be implemented with full force.

6.We direct the first respondent to take appropriate action so that the order dated 30.07.2018, is implemented in its letter and spirit. Such exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

1.The District Collector cum District Magistrate,
District Collector Office,
Thanjavur District.



2.The Revenue Divisional Officer,
RDO Office,
Thanjavur District.

3.The Tahsildar,
Orathanadu Tahsildar Office,
Orathanadu, Thanjavur District.

4.The Inspector of Police,
Orathanadu Police Station,
Thanjavur Distirct.

+1 CC to Mr.K.GOVINDARAJAN, Advocate (SR-96069[F] dated
05/11/2019)

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VB(26.11.2019) 3P 6C