



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.12.2019**

WEB COPY

**CORAM:
THE HONOURABLE MR.JUSTICE M.DURAISWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P(MD)No.26242 of 2019

M/s.Sundaram Home Finance Limited,
21, Patullos Road,
Chennai,
Rep. by its Authorised Officer,
M.Sivabalan.

... Petitioner

Vs.

1. The District Collector,
Theni District,
Theni.
2. The Special Thasildar (Stamps),
Theni District,
Theni.
3. The Inspector of Police,
Andipatti,
Theni.

... Respondents

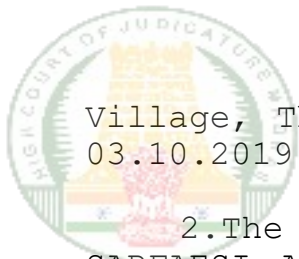
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to hand over possession of the property comprised in Survey No.1504/2 to an extent of 12732 sq. feet in Door Nos.240 and 241, Andipatti Taluk, Kovilpatti Village, Theni by considering the petitioner's representation dated 03.10.2019 within a time frame as stipulated by this Court.

For Petitioner	: Mr.M.Jerin Mathew
For Respondents	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader.

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents to hand over possession of the property comprised in Survey No.1504/2 to an extent of 12732 sq. feet in Door Nos.240 and 241, Andipatti Taluk, Kovilpatti



Village, Theni by considering the petitioner's representation dated 03.10.2019 within a time frame.

2.The petitioner filed an application under Section 14 of the SARFAESI Act before the first respondent / the District Collector and the first respondent passed an order in the said application on 05.12.2018 for taking possession of the secured assets. Though the order was passed on 05.12.2018, the physical possession was not taken from the borrower till today.

3.In these circumstances, we direct the first respondent to take possession of the secured assets from the borrower within a period of six weeks from the date of receipt of a copy of this order, if no appeal or an order of stay has been granted either by this Court or by the Debt Recovery Tribunal (DRT) or by the Debt Recovery Appellate Tribunal (DRAT) pertaining to Section 14 application or in any other connected proceedings.

4.With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The District Collector,
Theni District,
Theni.

2.The Special Thasildar (Stamps),
Theni District,
Theni.

3.The Inspector of Police,
Andipatti,
Theni.

+1 CC to SPL.GP (SR-104680[F] dated 12/12/2019)

+1 CC to Mr.M.E.ILANGO, Advocate (SR-104832[F] dated 13/12/2019)

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11.12.2019

MK (30.12.2019) 2P 6C

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