



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND**

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.27149 of 2019

and

W.M.P(MD)No.23461 of 2019

The Authorized Officer,
The Lakshmi Vilas Bank,
Thillai Nagar Branch,
No.97, Fort Station Road,
Vth Cross Street,
Thillai Nagar,
Trichy District.

... Petitioner

Vs.

1.The District Magistrate cum Collector,
Trichy District, Collectorate Building,
Cantonment, Trichy - 620 001.

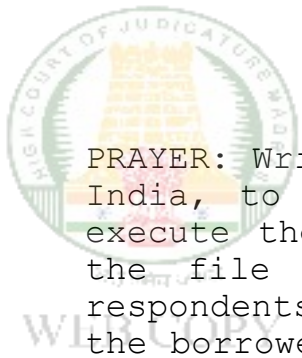
2.The Sub-Collector,
Srirangam Division,
Dindigul Main Road,
Navalurkottapattu,
Trichy - 620 009.

3.The Additional District Magistrate,
Collectorate Building,
Cantonment,
Trichy - 620 001.

4.The Tahsildar,
Srirangam Taluk Office,
Chennai Trunk Road,
Tiruvanaikoil,
Trichy - 620 005.

5.The Tahsildar,
G & SARFAESI Section,
District Collector Office,
Cantonment,
Trichy - 620 001.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to execute the order passed in K.Dis/G5/7033/2019 dated 09.11.2019 on the file of the first respondent and consequently direct the respondents to take physical possession of the mortgaged property of the borrower and hand over the same to the petitioner Bank within a time frame fixed by this Court.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.VR.Shanmuganathan,
Special 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 execute the order dated 09.11.2019 on the file of the first respondent and consequently directing the respondents to take physical possession of the mortgaged property of the borrower and hand over the same to the petitioner Bank within a time frame.

2.The learned counsel appearing for the petitioner submitted that the petitioner had filed an application under Section 14 of the SARFAESI Act. The first respondent / District Collector, Trichy passed an order dated 09.11.2019 directing the Superintendent of Police, Tiruchirappalli and Sub-Inspector of Police, Pettavaithalai Police Station to render assistance to the Thasildar, Srirangam for taking possession of the secured assets. The learned counsel further submitted that as against the order dated 09.11.2019, the parties have not filed any appeal either before the Debts Recovery Tribunal or before this Court. However, the respondents have not taken physical possession of the property from the debtors so far.

3.The learned Special Government Pleader taking notice for the respondents submitted that the first respondent may be directed to execute the order dated 09.11.2019 and take physical possession of the property from the debtors.

4.In view of the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, we direct the first respondent to take steps to execute the order dated 09.11.2019 by taking physical possession of the secured assets from the debtor and hand over the same to the petitioner / Bank, if no stay has been granted either by the Debts Recovery Tribunal or by the Debts Recovery Appellate Tribunal or by this Court in the connected proceedings, within a period of four

