



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.27156 of 2019

M/s.HBD Financial Services Limited,
Rep. by its Associate - legal
K.Raja.

... Petitioner

Vs .

1. The District Executive Magistrate/District Collector,
Madurai.

2. B.S.Senthil Kumar

3. S.E.Maharajothi

4. S.Anand

5. S.Balammal

6. S.Subbiah

7. Mahara and Co.,
Plot No.73, 1st Main Road,
K.K.Nagar, Madurai - 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the application filed by the petitioner under Section 14 of the SARFAESI Act in Cr.M.P.No.22719 of 2018 on the file of the first respondent within a time frame fixed by this Court.

For Petitioner	: Mr.M.Karunanithi
For R - 1	: Mr.VR.Shanmuganathan, Special Government Pleader.

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner, who is the secured creditor, has filed the above Writ Petition to issue a Writ of Mandamus, to direct the first respondent to dispose of the application filed by the petitioner under Section 14 of the SARFAESI Act in Cr.M.P.No.22719 of 2018 on the file of the first respondent within a time frame.



2.The petitioner filed an application under Section 14 of the SARFAESI Act in Cr.M.P.No.22719 of 2018 before the first respondent for taking physical possession of the property. Though the petition was filed as early as on 02.05.2018, the same has not yet been disposed of.

3.In these circumstances, the learned counsel appearing for the petitioner submitted that a direction may be issued to the first respondent to dispose of the petition expeditiously.

4.Mr.VR.Shanmuganathan, learned Special Government Pleader taking notice for the first respondent submitted that the first respondent may be directed to dispose of the petition within a time frame.

5.Having regard to the submissions made by the learned counsel appearing on either side and taking into consideration 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 dispose of the petition, dated 02.05.2018 filed under Section 14 of the SARFAESI Act in Cr.M.P.No.22719 of 201, within a period of six weeks from the date of receipt of a copy of this order.

6.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The District Executive Magistrate / District Collector,
Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-106257[F] dated 20/12/2019)
+1 CC to M/s.SPL.GP (SR-106493[F] dated 27/12/2019)

PS

TE : 06/01/2020 : 2P/4C

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