

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 12428 of 2020

REPCO BANK,
Repco Towers,
No.33, North Usman Road,
T.Nagar, Chennai - 17,
Rep. By its Deputy General Manager/
Authorized Officer,
S.Baskar

... Petitioner

Vs.

The District Magistrate cum District Collector,
Thiruvallur,
Thiruvallur District.

... Respondent

Petition under Article 226 of the Constitution of India
praying for a Writ of Certiorari calling for the records
relating to the proceedings of the respondent vide
Rc.No.3897/2017/M2, culminating the order dated 03.09.2019,
quash the same.

For Petitioner .. Mr.A.Ilangovan

For Respondent .. Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

The petitioner herein, who is the secured creditor has come forward to file this writ petition challenging the order passed under Section 14 of the SARFAESI Act by the District Magistrate, by which, the petition filed was rejected on the ground that the property has already been sold and, therefore, the application is not maintainable.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3. We have also considered the very same issue in W.P.No. 28047 of 2019 etc batch dated 18.09.2020, inter alia, holding that the such an approach cannot be sustained in the eye of law.

4. In such view of the matter, the order impugned stands set aside and the District Magistrate/District Collector is directed to pass appropriate orders facilitating taking over the possession by the petitioner within a period of four weeks from the date of receipt of a copy of the order.

5. Accordingly, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

The District Magistrate cum District Collector,
Thiruvallur,
Thiruvallur District.

+lcc to Mr.A.Ilangovan, Advocate, sr .no.30724

PA(CO)
RMP(14/10/2020)

सत्यमेव जयते

W.P.No. 12428 of 2020

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