



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.1635 of 2020

and

W.M.P (MD) No.1349 of 2020

The Authorized Officer,
The Lakshmi Vilas Bank,
Karur West Branch,
Karur,
Karur District.

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pass suitable orders in Na.Ka.G5/18509/2018 submitted by the petitioner under Section 14 of the SARFAESI Act for taking physical possession of the mortgaged properties of the borrower / guarantor as prayed in the said petition within a time frame.

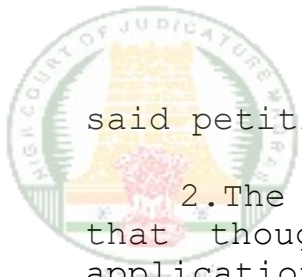
For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.R.Murugan,
Additional Government Pleader.

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondent to pass suitable orders in the petition filed under Section 14 of the SARFAESI Act in Na.Ka.G5/18509/2018 for taking physical possession of the mortgaged properties of the borrower / guarantor as prayed in the



said petition within a time frame.

2.The learned counsel appearing for the petitioner submitted that though the petitioner / secured creditor had filed the application before the respondent under Section 14 of the SARFAESI Act as early as on 26.07.2018, the respondent has not disposed of the same yet. Further, the learned counsel submitted that there is no other proceedings pending either before the Debts Recovery Tribunal or before the Debts Recovery Appellate Tribunal or before this Court with regard to the subject matter of the application which is pending before the respondent.

3.The learned Additional Government Pleader taking notice for the respondent submitted that the respondent may be directed to dispose of the application within a period of six weeks.

4.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 respondent to dispose of the application dated 26.07.2018 filed under Section 14 of the SARFAESI Act, 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 six weeks from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

ps

To

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



+1 CC to M/s.SPL.GP (SR-3657[F] dated 29/01/2020)

+2 CC to M/s.S.I.MUTHIAH, Advocate (SR-3900[F] dated 30/01/2020)

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W.P(MD)No.1635 of 2020
28.01.2020

MR(CO)

TR(10.02.2020) 3P 5C