



WEB COPY

W.P(MD)No.4255 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.02.2020

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THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.4255 of 2020

Syndicate Bank,
Sellur Branch,
Palam Station Road,
Madurai-625 002,
represented by its Authorized Signatory
R.Sundaramoorthy.

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South,
Madurai District.

3.The Inspector of Police,
Anupanadi Police Station,
Madurai, Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 and 3 to implement the order passed by the first respondent R.O.C.No.C6/107/2019, dated 03.06.2019 and take physical possession of the mortgaged property / secured asset situated in Door No.5/346 B, Western Part of Plot No.70, Rajeev Gandhi Nagar, Ward No.56-Zone III, Madurai Corporation within R.S.No.19/5B, Anuppanadi Village, Madurai South Taluk, Madurai District within a time frame as fixed by this Court.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader



ORDER

[Order of the Court was made by **M.DURAISWAMY,J.**]

WEB COPY The petitioner Bank has filed the above writ petition to issue a writ of Mandamus directing the respondents 2 and 3 to implement the order passed by the first respondent, dated 03.06.2019 and take physical possession of the mortgaged property / secured asset situated in Door No.5/346 B, Western Part of Plot No.70, Rajeev Nagar, Ward No.56-Zone III, Madurai Corporation within R.S.No.19/5B, Anuppanadi Village, Madurai South Taluk, Madurai District within a time frame.

2. The learned Counsel appearing for the petitioner submitted that though the first respondent District Collector had passed the order as early as on 03.06.2019 in an application filed under Section 14 of the SARFAESI Act, the second respondent has not implemented the said order so far. Further the learned Counsel submitted that neither the borrower nor the guarantor had obtained any stay in respect of the secured asset either before the Debts Recovery Tribunal or before the Debt Recovery Appellate Tribunal or before this Court in any proceedings whatsoever.

3. Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice for the respondents and submitted that the second respondent may be directed to implement the order within a period of four weeks, if there is no other legal impediment for implementing the order passed by the first respondent.

4. Having regard to the submissions made by the learned Counsel appearing on either side, we direct the second respondent to implement the order passed by the first respondent, if there is no order of interim stay granted either by this Court or the Debt Recovery Appellate Tribunal or the Debts Recovery Tribunal in respect of the secured asset, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai South, Madurai District.

3.The Inspector of Police,
Anupanadi Police Station, Madurai, Madurai District.

+1 CC to M/s.SPL.GP (SR-9616[F] dated 02/03/2020)

+1 CC to M/s.V.SUKUMAR, Advocate (SR-9810[F] dated 03/03/2020)

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28.02.2020

TR(10.03.2020)3P 6C