



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD) No.10503 of 2021

Tamilnadu Mercantile Bank Ltd.,
Chinthamani Branch
Rep.by its Authorized Officer
248-B, Rekha Towers
Kamarajar Salai
Madurai-625 009

... Petitioner

-vs-

The Chief Judicial Magistrate
Madurai District, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to dispose the petitioner's application filed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, in CrI.M.P.No.897 of 2020 pending before the Hon'ble Chief Judicial Magistrate, Madurai, in accordance with law, within a time frame fixed by this Court.

For Petitioner: Mr.Anandharaj.R.

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

In view of the order sought and proposed to be made, no previous notice is required to be served on the respondent.

2. The petitioner is a secured creditor within the meaning of the relevant expression in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner has made a request under Section 14 of the said Act to the Chief Judicial Magistrate, Madurai for appropriate executive assistance and complains that the request has not been dealt with within reasonable time.

3. There is no doubt that because of the second surge of the pandemic and the non-functioning of regular courts, the matter may not have been dealt with by the relevant Chief Judicial Magistrate. However, the scheme of the said Act, and Section 14 in particular,



require appropriate assistance to be rendered in accordance with law for a secured creditor to have access to the security and the documents in respect thereof.

4. Accordingly, W.P.(MD) No.10503 of 2021 is disposed of by requesting the Chief Judicial Magistrate, Madurai, to ensure that the petitioner's request under Section 14 of the said Act is taken up and dealt with in accordance with law as expeditiously as possible and, preferably, within six weeks of the receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

krk

To:

The Chief Judicial Magistrate
Madurai District, Madurai

+1 CC to M/s.R.ANANDHARAJ, Advocate (SR-20082[F] dated 24/06/2021)

W.P. (MD) No.10503 of 2021

24.06.2021

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