



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.11265 of 2021

WEB COPY

Tamilnad Mercantile Bank,
Represented by the Authorized Officer,
Marthandam Branch,
No.2/24-2, 1st Floor,
Anexwin Complex,
Trivandrum Main Road, Pamnam,
Marthandam,
Kanyakumari District.

... Petitioner

Vs

The Chief Judicial Magistrate,
Nagercoil.

... Respondent

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the learned Chief Judicial Magistrate, Nagercoil to forthwith number the application filed by the petitioner bank on 20.02.2020 seeking assistance for taking physical possession of the property to the extent of 25.93 cents (6.600 cents in R.S.No.255/17 (Old S.No.1796) & 19.33 cents in R.S.No.259/16 (Old S.No.1799) and house building thereat of GF-1180 sq.ft.+FF-390 sq.ft bearing D.No.13/191 at Thengapattanam Village, Amsi Desam, Vilavancode Taluk, Munchirai Sub Registry, Marthandam Registry, Kanyakumari District standing in the name of Mr.A.Ponnuswamy, a secured asset of the bank, under Section 14 of SARFAESI Act in C.M.PSR.No.1887 of 2020 and pass orders upon the same within a time frame to be determined by this Court.

For Petitioner

: Mr.N.Dilip Kumar

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.N.Dilip Kumar, learned counsel appearing for the petitioner.

2. An identical relief was considered by the Hon'ble Division Bench of this Court in W.P(MD).No.10503 of 2021. The operative portion of the order reads as follows:

"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 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. "

3. Following the above order, there shall be a direction to the Chief Judicial Magistrate, Nagercoil, 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.

4. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note : 1. 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.

To:

The Chief Judicial Magistrate,
Nagercoil.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-21770[F] dated
08/07/2021)

W.P.(MD) No.11265 of 2021
08.07.2021

CM(CO)

LR (15.07.2021) 2P 3C