



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12373 of 2021

WEB COPY

Tamil Nadu Mercantile Bank,
Represented by the Authorized Officer,
Nagercoil Branch,
229-A, Charles Miller Street,
College Road, Nagercoil,
Kanyakumari District - 629 001.

... Petitioner

Vs.

The Chief Judicial Magistrate,
Nagercoil.

... Respondent

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other Writ, order or direction in the nature of Writ directing the Learned Cheif Judicial Magistrate, Nagercoil to forthwith number the application filed by the petitioner bank on 23.02.2021 seeking assistance for taking physical possession of the property to the extent of 18 cents of land in New.Sy.No.265/8A (Old Sy No.1143) at Dharmapuram Village, Agastheeswarm Taluk, Nagercoil Sub-registrationn District, Kanyakumari Registration District and District, a secured asset of the bank, under Section 14 of SARFAESI Act in C.M.P.SR.No. 148 of 2021 and pass orders upon the same within a time frame to be determined by this Honble Court.

For Petitioner

: Mr.N.Dilip Kumar

O R D E R

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

We have heard Mr.N.Dilip Kumar, learned counsel appearing for the petitioner.

2.The petitioner is a Non-Banking Finance Company (NBFC) and they seek for a direction to forthwith number the application filed by the petitioner bank on 23.02.2021, seeking assistance for taking physical possession of the property to the extent of 18 cents of land in New.Sy.No.265/8A (Old Sy No.1143) at Dharmapuram Village, Agastheeswaram Taluk, Nagercoil Sub-Registration District, Kanyakumari Registration District & District, a secured asset of the bank under Section 14 of SARFAESI Act in C.M.P.Sr.No.148 of 2021.



3.It is not clear as to what is the stage of the proceedings. However, considering the present circumstances, we cannot issue any positive direction on account of reduced functioning of Court and reduced number of staff members. However, we can request the Court of the Chief Judicial Magistrate, Nagercoil, to dispose of the application as expeditiously as possible, soon after the Courts commence functioning after the Pandemic settled stop.

4.With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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.

To
The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-23768[F] dated
23/07/2021)

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