



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.19831 of 2021

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The State Bank of India,
Stressed Assets Recovery Branch (SARB),
Represented by the Authorized Officer/
Chief Manager,
No.8, Dr.Ambedkar Road,
1st Floor,
Madurai - 625 020.

: Petitioner

vs.

The Chief Judicial Magistrate,
Madurai.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent, learned Chief Judicial Magistrate, Madurai, to forthwith number the application filed by the petitioner Bank on 14.09.2021, seeking assistance for taking physical possession of the Residential land and Building situated at R.S.No.122/1B & 122/3B, Flat No.C201, Ground Floor, Block C2, C.W.No.92, Zone 4 VNCT Properties Kovalan Nagar, Palanganatham, Madakulam Village, Thirupparankundram Taluk, Madurai South Joint IV Sub Registration District, Madurai District, measuring (UDS of 765 sq.ft out of Part III, Item No.3, Ground Floor, Block No.C2, Flat No.C-201), a secured asset of the Petitioner Bank, under Section 14 of SARFAESI Act in C.R.M.P.S.R.No.1850 of 2021 and pass orders upon the same within a time frame to be determined by this Court.

For Petitioner : Mr.N.Dilip Kumar

O R D E R

[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 first respondent, the Chief Judicial Magistrate, Madurai, to number the application filed by the Petitioner Bank on 14.09.2021, under Section 14 of the SARFAESI Act in respect of the Residential Land and Building situated at R.S.No.122/1B & 122/3B, Flat No.C201, Ground Floor, Block C2, C.W.No.92, Zone 4 VNCT Properties, Kovalan Nagar, Palanganatham, Madakulam Village, Thirupparankundram Taluk, Madurai South in C.R.M.P.S.R.No.1850 of 2021.



2.It is the grievance of the petitioner Bank that though the petitioner had filed an application under Section 14 of the SARFAESI Act in C.R.M.P.S.R.No.1850 of 2021 as early as on 14.09.2021, the respondent has not even numbered the application yet.

3.Further, the learned Counsel submitted that the petitioner Bank has submitted all the documents and inspite of the same, the respondent has not numbered the application. As per the Section 14 of the SARFAESI Act, the application filed under the said provision should be disposed of within sixty days from the date of presentation of the application. In the case on hand, though the application was filed on 14.09.2021, the respondent has not even numbered the application even after a lapse of one and a half months.

4.In these circumstances, we direct the respondent to number the application filed under Section 14 of the SARFAESI Act in C.R.M.P.S.R.No.1850 of 2021, if it is otherwise in order, within a period of two days from the date of receipt of copy of this order. Further, we direct after numbering the application, to take up the application for enquiry and dispose of the same on merits and in accordance with law within a period of eight weeks from the date of numbering of the application.

5.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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,
Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-33581[F] dated 02/11/2021)

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02.11.2021

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