



WEB COPY

W.P (MD) NO. 21352 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2021**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) NO. 21352 OF 2021

Tamil Nadu Mercantile Bank,
Madurai Main Branch,
represented by the Authrized Officer,
No.51, East Avani Moola Street,
Madurai- 625 001.

:Petitioner

.vs.

The District Magistrate/The District Collector
Virudhunagar District,
Virudhunagar - 626 002.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent/the learned District Magistrate cum District Collector, Virudhunagar District, Virudhunagar to pass final orders in the Application dated 3.3.2021 filed by the Petitioner Bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, seeking assistance for taking physical possession of the Land and Building situated at T.S.Nos.195 and 194 measuring 2133 sq.ft situated in Door No.58m Sekkiliar Street, Ward No.6, Virudhunagar Town, Virudhunagar District, Virudhunagar Registration District, Virudhunagar Joint Sub-Registration District No.II, a secured asset of the Petitioner Bank within the time frame determined by this Court.

For Petitioner : Mr.N.Dilip Kumar
Standing Counsel
For Respondent : Mr.M.Siddharthan
Addl.Govt.Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

This Writ Petition is filed by the Petitioner-Bank seeking direction to the District Magistrate-cum-District Collector, Virudhunagar District, Virudhunagar to pass final orders in the Application, dated 3.3.2021, filed under Section 14 of the

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SARFAESI Act, 2002.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The learned Standing Counsel appearing for the Petitioner/Bank would submit that the application under Section 14 of the SARFAESI Act, 2002 to take possession of the property should be normally disposed of within thirty days. Though the present application is filed on 3.3.2021 and had been repeatedly given personal reminders for passing orders, there is no orders passed by the respondent. As the application requires a time bound order, the Petitioner has approached this Court by filing the present Writ Petition.

4. The learned Standing Counsel for the Petitioner Bank also submits that in similar circumstances, in the case of **Karvy Financial Services Limited, represented by its Authorized Officer, Andheri, Mumbai ..vs. The District Magistrate and District Collector, Chennai and two others reported in 2021(3) CTC 383**, this Court had emphasised the necessity to pass orders in a time bound manner. As of now, the above said application is pending for the past nine months without any further progress.

5. In view of the above, the respondent herein /The District Magistrate/The District Collector, Virudhunagar District, Virudhunagar - 626 002 is directed to dispose of the application filed by the Petitioner on 3.3.2021 under Section 14 of the SARFAESI Act, 2002, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

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, the copy of the order that is presented is the

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correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The District Magistrate/The District Collector
Virudhunagar District,
Virudhunagar - 626 002.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-37284[F] dated 03/12/2021)

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02.12.2021**

SVN (CO)

SB (15.12.2021) 3P 3C