



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.21408 of 2021

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

vs.

The Chief Judicial Magistrate,
Madurai. ... Respondent

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to forthwith number the application filed by the petitioner bank on 28.10.2021 seeking assistance for taking physical possession of site and superstructure measuring 3,075 sq.feet identified as Plot No.4 and old Door No.38 co-related to New Door No.39 in S.No.81/2 co-related to T.S.No.124 situated at Bypass road 2nd Street (Navalar Nagar 2nd and 3rd Street), S.S.Colony, Madurai Corporation, a secured asset of the petitioner bank, u/s.14 of SARFAESI Act in Crl.M.P.S.R.No.2322 of 2021 and pass such further or other orders to assist in delivery of the property within a time frame by this Hon'ble Court.

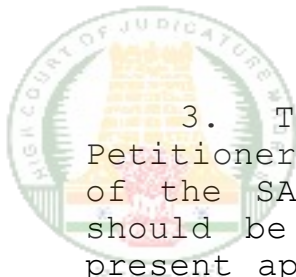
For Petitioner : Mr.Pala Ramasamy
For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

This Writ Petition is filed by the Petitioner-Bank, seeking a direction to the learned Chief Judicial Magistrate, Madurai, to number the application filed by the petitioner, on 28.10.2021, under Section 14 of the SARFAESI Act, 2002 and pass final orders.

2. Heard the learned counsel appearing on either side and processed 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 28.10.2021 and had been repeatedly given personal reminders, for numbering the same, there is no order 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 without any further progress.

5. In view of the above, the respondent herein / The Chief Judicial Magistrate, Madurai, is directed to consider the application filed by the Petitioner on 28.10.2021, under Section 14 of the SARFAESI Act, 2002, and pass orders 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 is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To
The Chief Judicial Magistrate,
Madurai.

+1 CC to M/s.PALA RAMASAMY, Advocate (SR-37478[F] dated 06/12/2021)

ORDER MADE IN
W.P(MD)No.21408 of 2021
DATED : 02.12.2021