



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.4666 OF 2022

The Authorised Officer,
State Bank of India,
Stressed Assets Management Branch,
Red Cross Buildings, 32, Red Cross Road,
Egmore, Chennai 600 008.

.. Petitioner

vs

1. The Hon'ble Chief Judicial Magistrate,
Namakkal, Namakkal District.
2. Mega Win Leather (India) Private Ltd.,
Regd. Office: No.323/12 Bhavani Main Road,
Chunnambu Odai, RN Pudur (Post),
Erode 638 005.

Administrative Office:
M/s.Mega Win Leather (India) Private Ltd.,
No.1/2, Annachi Building, 1st Floor,
Soundarajan Street, T.Nagar,
Chennai 600 017.

Also at
M/s.Mega Win Leather (India) Private Ltd.,
92-B, Phase 2 SIDCO Industrial Estate,
SIPCOT, Ranipet, Vellore 632 403.

M/s.Mega Win Leather (India) Private Ltd.,
T-34, 6th Cross Tannery Zone,
SIPCOT, Industrial Growth Centre,
Perundurai, Erode 638 052.

3. V.Govindaraj
4. Venkatesh Rajasekaran
5. K.Muthu Lakshmi
6. Mohanapriya Arumugam



7. Arun Prasath Kandavel
8. M/s.Plus Max Infrastructurre (P) Ltd.,
No.86/18, Royal Complex,
Sankarai Road, Seetharampalayam,
Tiruchengode 637 209.
9. B.Senthil Murugan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the application in CMP No.2136 of 2021 in CMP No.1019 of 2021 under Section 14 of the SARFAESI Act on the file of Chief Judicial Magistrate, Namakkal, within a time frame.

For the Petitioner : Mr.K.Chandrasekaran

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed alleging that despite an order under Section 14 of the SARFAESI Act of 2002 by the Chief Judicial Magistrate nominating an Advocate Commissioner to take possession of the property in question, the order has not yet been executed by the respondents though a warrant to take possession was given. The Advocate Commissioner nominated by the Court did not appear to take possession. In view of the above, the writ petition has been filed. It is at the stage when the application of the petitioner for nomination of another Commissioner was not submitted before the Chief Judicial Magistrate for an appropriate order.

Looking to the facts of the writ petition, it is disposed of with a direction to the Chief Judicial Magistrate, Namakkal, to get the execution of his order through the same Commissioner, as nominated by him and if the said advocate commissioner fails to take possession of the property, then immediately to nominate another advocate commissioner. The needful be done within ten days of the receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sra



To:

1. The Chief Judicial Magistrate,
Namakkal, Namakkal District.

2. The Authorised Officer,
State Bank of India,
Stressed Assets Management Branch,
Red Cross Buildings, 32, Red Cross Road,
Egmore, Chennai 600 008.

+1cc to Mr.K.Chandrasekaran, Advocate, S.R.No.14005

W.P.No.4666 of 2022

NRL (CO)
RLP (09/03/2022)