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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.1.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.27691 of 2021

M/s. Encore Asset Reconstruction Company
Private Limited
Rep. by its Authorised Officer B.M.Nagaraju
No.101, Executive Zone
Shakthi Tower 1, Ground Floor
766, Anna Salai
Chennai 600 002.

..Petitioner

Vs.

1. The District Magistrate cum
The District Collector
A Block, 2nd Floor
Collectorate
Vellore 632 009.

2. The Tahsildar
Vellore, Vellore District.

..Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for a writ of Mandamus directing the first respondent to pass orders on the application dated 16.07.2019 (vide N.A.C1/12448/2019) filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sathiyanarayanan

For Respondents : Mr.P.Muthukumar
State Government Pleader



ORDER

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

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The learned State Government Pleader submits that the District Collector already passed orders under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and in view of the same, the writ petition has become infructuous.

2. However, the learned counsel for the petitioner submits that a copy of the relevant order has not yet been served on the petitioner.

3. The fact is to be verified with reference to the submission made by the learned State Government Pleader. We find that as per the submission of the learned State Government Pleader, the order under Section 14 of the SARFAESI Act, 2002 having been passed, the writ petition has become infructuous.

4. Accordingly, the writ petition is dismissed as having become infructuous. There will be no order as to costs.

5. However, the petitioner is granted liberty to seek revival of the petition by making an application, if it is found that the order under Section 14 of the SARFAESI Act, 2002 has not been passed by the District Collector. The learned State Government Pleader shall serve a copy of the relevant order on the learned counsel for the petitioner within two days from today.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

To:

1. The District Magistrate cum
The District Collector
A Block, 2nd Floor
Collectorate
Vellore 632 009.



2. The Tahsildar
Vellore, Vellore District.

3. The State Government Pleader,
High Court, Madras - 104.

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+1cc to the Government Pleader, S.R.No.3094

[29/04/2022]

W.P.No.27691 of 2021

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NSK 20/01/2022