



W.P(MD)No.17488 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17488 of 2022

P.Kanagaraj

... Petitioner

Vs.

1.The District Collector,
Karur District.

2.The Revenue Divisional Officer,
Karur Sub Division,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to comply with the order passed by the 1st respondent in RC.No.D4/451/2018 dated 26.02.2019 as expeditiously as possible within the time stipulation as fixed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.



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ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.The petitioner had purchased the petition mentioned property in SARFAESI proceedings. In order to take physical possession, the creditor/bank moved the District Collector, Karur under Section 14 of the SARFAESI Act. On 26.02.2019, the following order was passed:-

4) The Revenue Divisional Officer, Karur is authorized to take physical possession of the above mentioned property and can seek the assistance of the police officials if necessary and hand over that to the Authorized Officer of the Bank with proper acknowledgement and to provide sufficient opportunities to vacate the house in which they are living if any. The date of taking and handing over the possession of the secured Asset should be reported to this office at once.

3.The grievance of the petitioner is that even though 3 ½ years have lapsed, till date, physical possession could not be taken. The second respondent is directed to implement the order dated 26.02.2019 passed by the first respondent, if the said order has not been stayed or set aside till date.



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4. The writ petition is allowed on these terms. No costs.

04.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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Karur District.
2. The Revenue Divisional Officer,
Karur Sub Division,
Karur District.



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G.R.SWAMINATHAN, J.

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