



W.P.No.18118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

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M/s.India Resurgence Arc Pvt. Ltd.,
(formerly known as Piramal Assets Reconstruction Pvt. Ltd.)
No.3rd Floor, Priamal Tower, Peninsula Corporate Park,
Gannatran Kadam Marg,
Lower Parel
Mumbai-400 014
Branch office at
Elexa Resultion Advisor LLP
The Executive Zoon, Sakthi Towers-1,
No.766, Anna Salai, Chennai-600 002
rep. by its Authorized Office
A.Joseph Rahul

.. Petitioner

Vs

The Chief Judicial Magistrate,
Thiruvallur District.

.. Respondent

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent Chief Judicial Magistrate, Thiruvallur to expeditiously dispose of the petition filed by the petitioner u/s.14 of the SARFAESI Act and received by the respondent the Chief Judicial Magistrate, Thiruvallur



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on 22.7.2022 vide CrI.M.P.(SR) No.2656 of 2022 pending before the respondent Chief Judicial Magistrate, Thiruvallur.

For the Petitioner : Mr.V.Balasubramani

For the Respondent : Mr.E.K.Kumaresan

ORDER

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

We have heard Mr.V.Balasubramani, learned counsel for the petitioner, and Mr.E.K.Kumaresan, learned counsel for the respondent.

2. The petitioner seeks a direction to the respondent to entertain the application filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and to decide the same.

3. Learned counsel for the respondent submits that the application contains two properties. One of the properties is the agricultural land.



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4. One property is 9779 square feet together with building constructed thereon situated in Hotel Geetha Bhavan, Door No.1, SPH Road, Manavala Nagar. The second property is situated in Survey Nos.490/2A (Pt) and 490/2B (Pt). Only because Survey Numbers are mentioned, the authority could not have jumped to the conclusion. It should have verified the documents and thereafter arrived at a conclusion whether the property is an agricultural property or otherwise. The respondent shall give an opportunity to the applicant to present its case as to the nature of the property and then the respondent may take a decision in accordance with law. The application shall be presented by the petitioner within two weeks from today.

5. With the above observation, the writ petition is disposed of.
There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To

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The Chief Judicial Magistrate,
Thiruvallur District.



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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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