IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 35236 OF 2024 (GM-RES)

BETWEEN:

THE MALLESHWARAM CO-OPERATIVE BANK LTD.,
H.O.NO.102, 7TH CROSS,
MALLESHWARAM, BANGALORE-560 003
REPRESENTED BY ITS
AUTHORIZED SIGNATORY,
MR.M.G.GURUPRASAD

...PETITIONER

(BY SRI. LOKESH K.V., ADVOCATE)

AND:

1. MR. VENKATAKUMARASWAMY P
   S/O RAMAIAH P,
   NO.21/1, 7TH MAIN ROAD,
   42ND CROSS, 4TH BLOCK,
   RAJAJINAGAR, BANGALORE-560 010

2. SMT. RAJANI R
   W/O VENKATAKUMARASWAMY P,
   NO.21/1, 7TH MAIN ROAD,
   42ND CROSS, 4TH BLOCK,
   RAJAJINAGAR, BANGALORE-560 010

...RESPONDENTS

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INIDA PRAYING TO DIRECT TO THE HONBLE 5TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE COURT TO EXPEDITE HEARING AND THEREAFTER PASS ORDERS ON MEMO DATED 29.06.2024 AFFIDAVIT AND 14(2) APPLICATION FILED IN CRL. MISC 7591/2023 VIDE ANNEXURE-B IN ACCORDANCE WITH LAW GRANT AN INTERIM ORDER TO DIRECT TO THE HONBLE 5TH ACJM AT BENGALURU.

THIS WRIT PETITION IS COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. In view of the order proposed to be passed, notice to respondent Nos.1 and 2 is dispensed with.

2. The petitioner is before this Court seeking for the following reliefs:

   a. Issues a Writ of Mandamus by issuing direction to the Hon'ble 5th Additional Chief Metropolitan Magistrate court to expedite hearing and thereafter pass Orders on Memo dated 29.06.2024, Affidavit and 14(2) application filed in Crl.Misc.7591/2023 vide Annexure B in accordance with law in the ends of justice.

   b. Grant such other relief as deemed fit to this Hon'ble Court in the facts and circumstances of the case.

3. The grievance of the petitioner is that the application filed under Sub-Section (2) of Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is still pending and no orders have been passed. The same having numbered as Crl.Misc.No.7591/2023.

4. Any proceedings under Sub-Section (2) of Section 14 of the SARFAESI Act, is required to be disposed of within a period of 60 days from the date of filing. In that view of the matter, I pass the following:

ORDER

(i) Writ petition is ***allowed***;

(ii) Mandamus is issued directing V Additional Chief Metropolitan Magistrate to hear and dispose of the proceedings in Crl.Misc.No.7591/2023 at the earliest at any rate within 60 days from the date of receipt of copy of this order.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

SMJ,
List No.: 1 Sl No.: 83