

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.7065 OF 2015

Maharashtra State Co-operative
Bank Ltd. ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.Bhushan Walimbe for the Petitioner
Mr.V.S.Gokhale, AGP for the respondent Nos.1 to 4.

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : SEPTEMBER 3, 2015

P.C.:

. Not on board. Taken on board.

1 Heard the learned counsel for the petitioner and the learned AGP for the first to fourth respondents. This petition was produced yesterday. Time was granted to the learned AGP till today. There was an order made by the District Magistrate on 22nd December 2014 in exercise of power under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the said Act'). Under the said order, the learned District Magistrate, Nashik appointed the Tahsildar, Devla as his representative to take possession of the secured assets, if necessary, by use of force and to hand over possession thereof to the authorised Officer of the petitioner. The grievance is that no steps have

been taken to implement said order.

2 Today, the learned AGP tenders a letter dated 3rd September 2015 addressed to him by the Nayab Tahsildar, Devla. Various excuses have been given in the said letter as to why possession could not be taken over right from March 2015.

3 The learned counsel for the petitioner on instructions states that there is no challenge to the order passed by the District Magistrate under section 14 of the said Act but an application has been filed for challenging the notice under section 14(2) of the said Act in which there is no ad-interim relief granted. Hence, the order passed by the District Magistrate will have to be enforced immediately.

4 Hence, we dispose of the petition by passing the following order:

- (I) We direct the authorised representative of the Petitioner to remain present in the office of the third respondent on Tuesday 8th September 2015 at 11.00 a.m. He shall produce an authenticated copy of this order;
- (II) We direct the third respondent to ensure that the order of the District Magistrate dated 22nd December 2014 is implemented within a period of one month from 8th September 2015;
- (III) If an application is made by the third respondent to the Officer Incharge of the Devla

Police Station for grant of adequate police protection, the Officer Incharge of Devla Police station shall grant police protection to the third respondent for the purposes of implementation of the order dated 22nd December 2014;

(IV) The Officer Incharge of Devla Police station shall act upon an authenticated copy of this order;

(V) Writ Petition is disposed of on above terms;

(VI) For reporting compliance, the petition shall be listed on 16th October 2015 under the caption 'Directions'.

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)