

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8079 OF 2015

Mr. Bhupinder Singh ... Petitioner

Vs

1. The State of Maharashtra & 2 Ors. ... Respondents

Mr. R.V. Govilkar with Mr. Mahesh Vishwakarma i/b Vishwakarma & Associates for the Petitioner.

Mr. A.J. Patel, AGP, for the Respondent No.1 – State.

Mr. Prakash Punjabi with Mr. P. Kumar Jain i/b Prakash Punjabi & Co. for the Respondent No.2.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

MONDAY, 24TH AUGUST, 2015

P.C. :

1. We have heard Mr. Govilkar appearing for the petitioner. We have perused the Writ Petition and all annexures thereto. It is too well settled to require any reiteration that a licensee has no right, title and interest in the premises which are the subject matter of the leave and licence agreement. Therefore, mere possession of such licensees and

in terms of a limited arrangement will not override the powers vested in the bank by the Securitization & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,. In the event the petitioner is in physical possession he need not apprehend dispossession straight away because he can request the bank to defer that action as the bank would put the premises to public auction. At such auction, the petitioner can place its bid and that would be considered along with others.

2. We clarify that though in ordinary circumstances and when the challenge to the order under section 14 fails, the petitioner would be required to surrender possession or can be dispossessed even forcibly.

3. The licence period has also come to an end. However, since the petitioner is in possession and claims to be in physical possession and occupation of the premises that we have permitted as above. We have not in any manner allowed the petitioner to continue in possession of the premises, much less after any public auction. Similarly these observations will not in any manner prevent the bank

from exercising its further powers and rights under the Securitization & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to dispose of the property. Therefore, there is no apprehension and of the bank which is required to be taken care of.

4. We do not find any merit in the petition. It is dismissed.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.