

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4136 OF 2015

M/s. Shriram Bhilcons Infraventures Pvt.Ltd., Nagpur and others

-vs-

The Learned District Magistrate, Nagpur and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.A.M.Gordey, Sr.Counsel assisted with Mr.A.H.Lohiya & Ms S.Tapdiya,
counsel for the petitioners.
Mr.Anil Kumar, counsel for the respondent No.2.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 05.10.2015.

By this petition, the petitioners challenge the orders of the learned District Magistrate, Nagpur, dated 02/01/2013 and 24/06/2015 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Shri Gordey, the learned senior counsel appearing on behalf of the petitioners, submitted that the learned District Magistrate was not justified in permitting the respondent No.2 to secure the possession of the properties that were not mortgaged with the respondent No.2-Bank and that were not mentioned in the notice issued by the respondent No.2 to the petitioners under Section 13(2) of the Act of 2002.

Shri Anil Kumar, the learned counsel for the respondent No.2-Bank, on instructions, states that the respondent No.2-Bank will not proceed to take the possession of the properties mentioned in para-2 of the pursis dated 05/10/2015, that is tendered in the Court today by the learned senior counsel for the petitioners and that is accepted on record. It is stated that the orders of the learned District Magistrate would not operate in respect of the properties that are mentioned in para-2 of the pursis.

In view of the statement made on behalf of the respondent No.2, we dispose of the writ petition with no order as to costs after observing that the orders of the learned District Magistrate will not operate in respect of the properties mentioned in para-2 of the pursis dated 05/10/2015.

JUDGE

JUDGE

KHUNTE