

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION (CWP) NO. 836 OF 2014

(Sadhana Sahakari Bank Ltd. thr. its Manager vs. The District Collector/ District Manager, Nagpur & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JUNE 08, 2015.**

Heard Shri Dani, learned counsel for the petitioner and Shri Ukey, learned APP, for respondent No.1. As yet, no notice is issued to other respondents.

The learned APP points out that the challenge is to the order dated 19.06.2014 passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by Respondent No. 1 – Collector.

Shri Dani, learned counsel submits that the cognizance of the matter was taken by this Court in Criminal Writ Petition No. 595 of 2011 and Criminal Application No. 146 of 2014 on 05.08.2014. He has produced a copy of that order for our perusal. A perusal of the judgment shows that at that juncture, the issue whether challenge needs to be entertained as Civil challenge or then as Criminal writ petition was not raised and in the absence of such challenge, this Court has decided the matter. As such, it cannot be said to be

a precedent binding in such controversy.

Shri Bhandarkar, learned counsel who had appeared for the intervenors in Criminal Writ Petition No. 595 of 2011 and Criminal Application No. 146 of 2014 has today assisted the Court by inviting attention of this Court to the judgment of this Court in the case of Nagpur Cable Operators' Association vs. Commissioner of Police, Nagpur & Anr., reported at 1995 (2) Mh. L.J. 753.

In this situation, it is apparent that the controversy is covered by the Division Bench judgment of this Court in the case of *Nagpur Cable Operators' Association vs. Commissioner of Police, Nagpur & Anr.* (supra). The challenge, therefore, needs to be placed before the Bench taking up civil writ petitions.

The Registry to register the petition accordingly and list the matter before appropriate Bench as per roster assignment.

JUDGE

JUDGE

*GS.