

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4651 OF 2004

- 1) Smt. Hansaben Champaklal Gandhi,
Age-62 years, Occu:Household,
R/o-Shahunagar, Pimprala Road,
Jalgaon, Dist-Jalgaon,
- 2) Sou. Veenaben Sanmukhlal Gandhi,
Age-44 years, Occu:Household,
R/o-Shahunagar, Pimprala Road,
Jalgaon, Dist-Jalgaon.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Industrial Deptt.,
Mantralaya, Mumbai,
- 2) The Authorised Officer
of the Jalgaon Janata Sahakari
Bank Ltd., Jalgaon, Dist-Jalgaon.

...RESPONDENTS

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Mr.A.G. Talhar Advocate for Petitioners.
Mr.P.S. Patil, A.G.P. for Respondent
No.1.
Mr.L.V. Sangit Advocate for Respondent
No.2.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 10TH MARCH, 2016

ORAL JUDGMENT [PER S.V. GANGAPURWALA, J.] :

1. Mr. Talhar, learned counsel for the Petitioners states that provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") are not applicable to agricultural land. The notice under Section 13(2) of the SARFAESI Act was issued in respect of agricultural land also. According to the learned counsel, Section 31(i) of the SARFAESI Act exempts the agricultural land from the operation of the said Act.

2. Mr. Sangit, learned counsel for the Respondent No.2 Bank, on instructions, accepts

that the property bearing Gut No.162/4 at Sawkhede Bk. is an agricultural land.

3. In view of Section 31(i) of the SARFAESI Act, the action under SARFAESI Act cannot be resorted to in respect of agricultural land. The impugned notice to the extent of Gut No.162/4 at Savkhede Bk., admeasuring 96 R, is quashed and set aside.

4. Rule accordingly made absolute in above terms. No costs.

[A.I.S.CHEEMA, J.]

[S.V. GANGAPURWALA, J.]