

mnm

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION

WRIT PETITION NO. 10386 OF 2014

The Ratnakar Bank Ltd.

...Petitioner

Vs.

State of Maharashtra through

Hon'ble District Magistrate, Thane & Ors. ...Respondents

Mr. Rajneesh Ranjan Singh for the Petitioner

Mrs. M.P. Thakur AGP for Respondent Nos. 1 to 3

CORAM : A.S.OKA, &

C.V. BHADANG, JJ.

DATE : JANUARY 05, 2016

PC.

1. Heard learned Counsel appearing for the petitioner. Learned AGP seeks time to take instructions.
2. On the application made by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (for short "the said Act"), the District Magistrate, Thane passed an order on 13th may, 2013. The operative part of the said order reads thus :

"Application is allowed. Tahasildar Kalyan is hereby appointed to take possession of the secured assets viz., of Flat No.202, 2nd Floor, Wing C-4, Harihar Building, Madhav Sankalp Complex, Gandhare, Kalyan, Dist: Thane and to take further steps in the matter. After taking possession of the above said property and the documents relating there to from the respondent, Tahasildar Kalyan shall prepare inventory of the articles in the property therein, and handover the article

to the Authorized Officer of the applicant along with possession of the secured Assets.

In case if the respondents failed to hand over peaceful possession of the secured assets within stipulated period or any other person found in possession of the secured assets, the Tahasildar Kalyan is permitted to take the legal steps as well as to take the assistance of the concerned Police station, for taking possession of the property secured assets.

Tahasildar Kalyan shall report compliance of the order within one year from the date of issue of this order. After the one year period this order shall not be operative and will become null and void”.

3. The only grievance made in this petition is that the said order is not being implemented. By a letter dated 31st July, 2014, the Advocate for the petitioner called upon the District Magistrate to ensure that the said order is implemented.
4. The learned AGP seeks time to take instructions on the question whether the order has been implemented.
5. Considering the limited grievance, we need not keep the petition pending and the same is disposed of by passing following order:
 - (i) We direct the authorized officer of the petitioner to appear before the Tahasildar, Kalyan on 25th January, 2016 at 11 a.m.;
 - (ii) The petitioner shall produce an authenticated copy of this order as well as a certified copy of the order dated

13th May 2013. The Tahasildar shall ascertain whether the said order continues to be operative. If the said order continues to be enforceable, he shall take steps for implementation of the said order as expeditiously as possible and in any event within a period of two months from 25th January, 2016.

(iii) The petition is disposed of accordingly.

(iv) The Tahasildar, Kalyan to act upon an authenticated copy of this order.

(C.V. BHADANG,J.)

(A.S.OKA,J.)