

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10365 OF 2016

Jagdish Ramchandra Bishnoi

..Petitioner

Vs.

Union of India and Others

..Respondents

Mr. Uzail Kazi i/b Mr. Yogendra Kanchan, for the Petitioner.

Ms. Sandhya Nambidi i/b Law Focus, for Respondent No.1.

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

DATE :- **SEPTEMBER 2, 2016.**

P. C.:

On the own showing of the Petitioner he is a licensee in the premises of which possession is to be taken by Respondent No.1 Bank in terms of the measures under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002. That enables taking up of the measures and for necessary assistance, the Bank has to make an application to the Chief Metropolitan Magistrate, Esplanade, Mumbai.

2 What we have found is that once the borrower has inducted the Petitioner as a licensee in the premises, the Petitioner has no right, title and interest therein. The Petitioner cannot resist the Bank taking physical possession of the immovable property which is subject matter of the order passed by the Chief Metropolitan Magistrate, Esplanade, Mumbai. Now, the Debts Recovery Tribunal has also refused any interim protection and rightly so. There is no merit in the Writ Petition. It is dismissed.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)