

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 810 OF 2015**

|                                     |   |                    |
|-------------------------------------|---|--------------------|
| <b>Shri Veljibhai Valabhai Vora</b> | } | <b>Petitioner</b>  |
| <b>versus</b>                       |   |                    |
| <b>Board of Directors DCB Bank</b>  | } |                    |
| <b>and Ors.</b>                     | } | <b>Respondents</b> |

Mr. Mathews Nedumpara for the petitioner.

None for the respondents.

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

**DATED :- OCTOBER 27, 2016**

**P.C. :-**

1. Mr. Nedumpara states that on one occasion, before this court, a statement was made by respondent no. 5 that no order has been passed under section 14 of the SARFAESI Act in respect of a property, more particularly described in the order dated 13<sup>th</sup> February, 2015 on this writ petition.

2. If that is the statement made by the bank and solemnly before this court so also recorded in its order, we do not think that the writ petition should be kept pending. The petitioner has adequate and efficacious remedy of an application/appeal under section 17 of the SARFAESI Act and he can approach the

competent DRT and seek protection by way of an interim measure even against dispossession, if at all any order under section 14 has been passed. Presently, we have no such order on record. There is a notice of motion, which is moved by the applicant/petitioner in the proceedings and that is dated 9<sup>th</sup> March, 2015. The petitioner apprehends that he would be physically dispossessed of this property. The fifth respondent to this writ petition filed an affidavit in this notice of motion and reiterated the position that was recorded in this court's order. In these circumstances, if the order passed by the Collector and District Magistrate has not been executed and enforced till date, then, all the more the petitioner can seek such direction from the DRT. Leaving all courses open for the petitioner as above and the contentions therein, we dispose of the writ petition. We have not expressed any opinion and it is entirely for the DRT to examine all contentions including that the notice under section 13(2) of the SARFAESI Act was not served on the petitioner.

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