

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

CRIMINAL WRIT PETITION No. 791/2015.

Smt. Nirupa @ Neha Sandeep Ahirwar and others.

-VERSUS-

The State of Maharashtra and others.

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
& V.M.DESHPANDE, JJ.**

DATE : JANUARY 22, 2016.

Heard Shri S.V. Bhutada, learned counsel
for the petitioners, Shri Ahirkar, learned A.P.P. for
respondent nos. 1 to 5, Shri V.K. Paliwal, learned
Counsel for respondent no.6 and Shri B.J. Lonare,
learned counsel for respondent no.10.

2. Shri Paliwal, learned counsel appearing on
behalf of secured creditor and learned A.P.P., point out
that petitioners have got remedy under Section 17 of
the Securitisation and Reconstruction of Financial
Assets and Enforcement of Security Interest Act, 2002.
In any case as there is no confiscation or forfeiture,
Criminal Writ Petition is not maintainable.

3. Shri Bhutada, learned counsel attempts to demonstrate that petitioners before this Court are tenants, and remedy under section 17 is not available to them. However, in order to avoid any complication, he seeks leave to convert Criminal Writ Petition into Civil Writ Petition.

4. Without prejudice to the rights and contentions of the parties, we grant said leave. Necessary steps be completed within a period of one week. Office to list the Writ Petition after one week as per roaster assignment.

JUDGE

JUDGE

Rgd.