

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3721 OF 2017

The Maharashtra State Co-operative
Bank Limited through Its Joint Manager
B.M. Rathod

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. Abhishek Kulkarni, Advocate for Petitioner
Mr. P .S. Patil AGP for Respondents State
Mr. V. G Sakolkar Advocate for Respondent No.5

CORAM : R.M. BORDE &

K.L. WADANE, JJ

(Date : 30th March, 2017.)

PER COURT :-

1 The request made by the petitioner for providing Police protection for disposal of the secured assets i.e. sugar bags which are stored in the godown of respondent No.5 sugar factory has been turned down by the District Magistrate. The petitioner places reliance on Section 14 of Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 ("SARFAESI Act) and contends that, it is the responsibility of the District Magistrate to take steps and use or caused to be used such force as in his opinion may be necessary for enforcing the possession of the property towards the secured assets or for

disposal or transfer of such secured assets. The petitioner who is a secured creditor and has also been put in possession of the secured assets, intends to sell those assets, however, there is impediment created by certain interested parties.

2 In such circumstances, it would be the responsibility of the District Magistrate to provide Police Protection with a view to ensure disposal of secured assets by the secured creditor i.e. petitioner. The order passed by the District Magistrate on 24.1.2017 is in violation of provisions of Section 14 of SARFAESI Act and deserves to be set aside and the same is accordingly set aside. The District Magistrate as well as the District Superintendent of Police are directed to provide necessary Police protection to the petitioner for disposal of the secured assets i.e. sugar bags stored in godown of respondent No.5 sugar factory. It would be responsibility of the petitioner to pay the requisite charges in respect of providing Police protection by the State/Police Department.

3 With the directions as above, the writ petition is disposed of.

(K.L. WADANE, J)

(R.M. BORDE, J)