

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 WRIT PETITION NO. 6397 OF 2016

SANJAY KISAN MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. B.L. Sagar Killarikar, Advocate, for
petitioner.

Shri. A.R. Kale, Assistant Government Pleader,
for respondent Nos.1 to 3.

Shri. S.V. Adwant, Advocate, for respondent No.4.

Shri. Vijay Jogdand, Advocate for respondent
No.5.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 8 March 2017

ORDER:

1) Today learned counsel for respondent No.4 drew attention of this Court to the observations made by this Court in **Writ Petition No.10756/2016** (Cosmopolitan Education & Welfare Society vs. The Bombay Mercantile Cooperative Bank Ltd. Aurangabad) decided on 24 October 2016. This Court has observed that if a person is

claiming right of tenancy or lease hold upon the secured assets, the Debt Recovery Tribunal is expected to examine the fact and then the point needs to be decided by the Debt Recovery Tribunal. The petitioner is claiming similar right. In view of the aforesaid decision of this Court, the petition is disposed of as withdrawn as such submission was made by on instructions by the learned counsel for the petitioner. The petitioner is at liberty to approach the aforesaid forum. Time of 15 days is given to approach the forum. Till that date *status-quo* is to be maintained.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

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