

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

21 WRIT PETITION NO. 7851 OF 2016

SANTOSH GULABCHAND GOYAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Patekar Narendra B
Mr. AS Shinde, AGP for Respondents:1;
Mr. SV Advant For R/2 To 5.

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

DATE : 7th MARCH,2017.

PER COURT:

1) Both sides present. In view of the claim made by the petitioner, this Court holds that it is necessary for the petitioner to approach the Debt Recovery Tribunal (DRT).

2) Learned Counsel for the respondents placed reliance on the judgment reported in 2017 (2) Mah.L.J. 341 – (Vijaya Bank Through Gen. Manager Vs. Prithvi Bricks and Mortar Pvt.Ltd.), whereby this Court has observed that when there is claim of tenancy or leasehold rights upon the secured asset, the Debt Recovery Tribunal has jurisdiction to examine such claim.

3) In view of the observations made by this Court and as factual aspect is involved, this court holds that no relief can be granted in the present matter. The writ petition stands dismissed.

4) The interim relief, in the form of status quo, is continued for fifteen days from today to enable the petitioner to approach the proper forum.

(SANGITRAO S.PATIL)
JUDGE

(T.V.NALAWADE)
JUDGE

bdv/