

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.950 OF 2016

Tukaram Shankar Marne ...Petitioner.
vs.
Learned District Collector and ors. ...Respondents.

Mr. Manoj Patil for the Petitioner.
Mr. Shashank Fadia for Respondent No.4.
Mr.V.N.Sagare, AGP. for Respondent Nos.1 and 2.

CORAM : R.M. BORDE AND
A.S. GADKARI, JJ.
DATE : 23rd January, 2017

PC:

The petitioner is objecting to the order passed by the District Magistrate, Pune under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement Security Interest Act, 2002. The petitioner has an alternate remedy available for redressal of his grievances as provided under Section 17 of the Act. This Court has directed the respondents not to take steps on the basis of the impugned order dated 31.8.2015. The interim order passed by this Court on 22.1.2016 is operative till this date. In this view of the matter this petition can be disposed of by granting liberty to the petitioner to approach the alternate forum as provided according to law. If the petitioner approaches the alternate

forum as provided by law within 4-weeks from today, the alternate forum may consider the appeal/application of the petitioner in accordance with the provisions of law. Interim order passed by this Court on 22.1.2016 shall continue to operate for 6-weeks from today so as to enable the petitioner to approach the alternate forum under Section 17 of the Act. It is clarified that we have not considered the merits of the contentions and it would be open for the alternate forum to deal with the proceeding on its own merits and in accordance with law.

Parties to act on a copy of this order duly authenticated by the registry of this Court.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)