

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6446 OF 2017

**Abdul Mannan Mohd. Yusuf Shaikh
& 5 ors.**

... Petitioners

Vs.

**M/s. Shaan Education Society's Guardian
College of Dental Science and Research
Center & 6 Ors.**

... Respondents

Mr. Aloukik Pai, with Tejas L, Mr. Avhad, i/b Vasim Siddique, Adv. for the Petitioners.

Mr. Akhil Sarthy, Adv. for Respondent Nos. 1 to 4 (i/b Thodur Law Association).

Mr. R.J. Singh, Adv. for Respondents Nos.5 & 6.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 16 JUNE 2017.**

P.C.:-

1. The Petitioners have approached this Court with an innocuous prayer praying for a limited relief for protecting their rights so as to enable them to undergo examination of BDS Course conducted in the Respondent No.1, College. The Respondent No.7 has passed an order

in favour of the Respondent No.5, Bank for taking possession of the secured assets of the Respondent No.1, Society on 16th June 2017 in pursuance to the order passed by the learned District Magistrate dated 15th March 2017 under the provisions of SARFAESI Act.

2. Taking into consideration the peculiar facts of the case and particularly the fact that the career of the students undertaking education in BDS is at stake, we are inclined to entertain this Petition and pass following order, without the same being treated as precedent.

ORDER

1. The Respondent No.5 bank is directed to permit the Petitioners to complete their examinations which are scheduled to continue till 8th July 2017. It is made clear that after 8th July 2017, the Respondent No.5, bank would be at liberty to take possession of the properties of Respondent No.1, society in pursuance of orders passed by the District Magistrate and Tahasildar.

2. Needless to state that, since the postponement of the date of taking possession within pursuance to the order passed by this Court, the Tahasildar would take steps forthwith after 8th July 2017 for taking possession of secured assets of Respondent No.1.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)