

BDPPS

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

WRIT PETITION NO. 13575 OF 2016

The Cosmos Co-operative Bank Ltd. Petitioners.

V/s

The Tahasildar, Division Thane & Ors. Respondents.

Mr. Rishabh Shah i/b Mr. Raval Shah for the Petitioners.

Mr. P.G. Sawant, AGP for the Respondent Nos. 1 and 2.

Mr. R.M. Pande alongwith Mr. S.K. Gawande for Respondent No.9

**CORAM: R.M. BORDE &
A.S. GADKARI, JJ.**

DATE: 16th January, 2017

P.C.:-

1] Petitioners are praying for issuance of directions to the Respondent/Tahasildar to enforce the directions issued by the learned Metropolitan Magistrate in Misc. Application No.822 of 2009. Directions issued by the Metropolitan Magistrate are in respect of enforcement of the possession of secured assets. Petitioners contend that in spite of issuance of directions by the Metropolitan Magistrate, no steps have been taken by the Respondent/Tahasildar. On the contrary, it is the contention of the learned AGP appearing on behalf of Respondent Nos. 1 and 2 that on the date prescribed for taking over possession, Officers of the Bank were not present and, as such, orders

issued by the Metropolitan Magistrate could not be executed.

2] Without going into the controversy raised before us, ends of justice would be met by issuing directions to the Respondent/Tahasildar to take appropriate steps in pursuance of the directions issued by the learned Metropolitan Magistrate and take possession of the secured assets in observance of the procedure prescribed under law on 30.01.2017. The learned Counsel appearing on behalf of the Bank assures to keep Officers of the Bank present in the Office of Tahasildar at 11.00 A.M. on the aforesaid date so as to facilitate the Tahasildar to enforce the orders of the Metropolitan Magistrate.

3] In the meanwhile, if at all, the persons in possession or tenants or anybody has any interest in relation to the property, it will be open for the concerned parties to take appropriate remedial measures and claim appropriate orders from the forum prescribed under the law.

4] In view of the above, Writ Petition is disposed of.

(A.S. GADKARI, J.)

(R. M. BORDE, J.)