

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 12035 OF 2018

Assets Reconstruction Company (India) Limited
Having its registered office at
Ruby, 10th Floor, 29, Senapati Bapat Marg,
Dadar(West) Mumbai and branch office at
A-3, Suyash Complex, Kalda Corner,
Sherya Nagar Aurangabad
Through its Chief Office (Legal)
Nitin Gautam Ingle
age major, occ. service
r/o Aurangabad

Petitioner

Versus

1. The Collector, Ahmednagar
2. The Tahsildar
Tahsil Office, Ahmednagar

Respondents

Mr. V.A. Bagdiya, advocate for petitioner.
Mr. A.B. Girase, GP for respondents.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 26th October, 2018.**

JUDGMENT : (Per R.M. Borde, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally at admission stage with the consent of learned counsel for the respective parties.
3. Petitioner is a secured creditor and has approached the District Magistrate for securing assistance in taking over possession of the secured assets. The District Magistrate, in observance of the provisions of section 14 of the Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has passed an order on 20.02.2018 and directed the Tahsildar to secure possession of the assets and to handover the same to the secured creditor i.e. petitioner. Surprisingly, when the petitioner approached the Tahsildar requesting for enforcement of the order passed by the District Magistrate, the Tahsildar has directed the petitioner to deposit sum of Rs. 20,000/-. The order passed by the Tahsildar is firstly without jurisdiction and secondly, law does not contemplate recovery of the sum for securing assistance of the District Magistrate for taking possession of assets. Any directive or guideline issued by the finance ministry or the Central Government or the State Government do not contemplate making deposit of the amount with the Tahsildar for enforcing the order passed by the District Magistrate under section 14 of the Act.

4. Order passed by the District Magistrate demanding amount from the petitioner therefore deserves to be quashed and set aside and the same is accordingly quashed and set aside. The Tahsildar is directed to enforce the directives issued by the District Magistrate, Ahmednagar on 28.02.2018, forthwith and without any excuse.

5. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

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