

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

**WRIT PETITION NO.1806 OF 2019
WITH
WRIT PETITION NO.1808 OF 2019**

**POORNAWADI NAGRIK SAHAKARI BANK LTD BEED THROUGH
AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.Milind M. Patil (Beedkar), Advocate for the
petitioner

Mrs.M.A.Deshpande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 08.02.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. As the limited grievance is raised in the
petition, we are of the opinion that the petition
can be disposed of at the admission stage.

3. It may not be necessary for us to refer the
facts in details. Suffice to say that the petitioner
is Co-operative bank and there were certain
proceedings initiated by the petitioner taking
recourse to SARFACIE Act. The proceeding reached at

the stage of initiation action by respondent NO.2 as per the provision of the said Act.

4. Learned counsel for the petitioner invited our attention to the copy of the proceedings initiated at the instance of the petitioner placed on record at page No.20 and this application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The application is supported by the affidavit and the annextures.

5. Then learned counsel invited our attention to the application dated 14.12.2010. Copy of the same is placed on record at Exh.D and the latest application is submitted on 22.01.2019. It seems that on 20/12/2018 the District Magistrate issued notice. Learned counsel submits that as there is delay and the Act specified stipulation of period for respondent No.2 further delay in proceeding would be futile exercise. As such respondent No.2 be directed to take steps expeditiously without further delay.

3. It seems that though the District

Magistrate issued notice on 20.12.2018 and called upon parties on 08.01.2019, the matter is pending before the authority without further progress and the learned counsel was justified in submitting that further delay in the matter would then make stipulation of period as futile exercise.

4. Learned counsel for the petitioner submitted that as per the provision of Act and in view of the judgment at Principal Seat reported in 2007 BCR 783 respondent No.2 District Magistrate is not obliged to issue notice and offered an opportunity of hearing as the notices are already issued. Keeping this contention open for the authorities, if the petitioner raises objection to that effect, we pass following order:

Accordingly, the petition is disposed of with direction to respondent No.2 to take appropriate steps expeditiously in the proceedings initiated at the instance of the petitioner, needles to state, by giving an opportunity of hearing to the parties as the notices are already issued to the parties, as early as possible and not later than 10 weeks.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]