

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

WRIT PETITION NO.2327 OF 2019

**M/S HOTEL SAI SAMRAT THROUGH PROPRIETOR AND ANOTHER
VERSUS
DEOGIRI NAGARI SAHAKARI BANK LTD AND OTHERS**

Mr.B.G. Sagade, Advocate for the petitioner.
Mr.S.S. Dande, AGP for respondent/State.

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

DATED : 22.02.2019

P.C. :-

1. Heard learned Counsel for the petitioner. The petitioner challenges order passed by the District Magistrate – respondent No.3 dated 30.01.2009 passed in the Securitization Application No. 219 of 2018. It may not be necessary for us to refer the details. Suffice to say that the petitioner is having alternate efficacious remedy of approaching the Debt Recovery Tribunal, so constituted. It was brought to our notice that for some time the Tribunal at Aurangabad was not operational, but it was submitted before us that the additional charge is being held by the Tribunal at Pune and the Tribunal at

Pune is accepting the proceedings on the ground of non-availability of Tribunal at Aurangabad. The petitioner is not deprived of taking recourse to this efficacious and alternate remedy.

2. The learned Counsel for the petitioner, in view of these facts, prays for permission so that the petitioner can approach the competent forum and avail efficacious alternate remedy.

3. In view of submissions of learned Counsel for the petitioner, we dispose of the petition granting liberty to the petitioner to approach the Debt Recovery Tribunal at Pune by filing appropriate proceeding in challenge to the order of the District Magistrate – respondent No.3 dated 30.01.2019.

4. By way of interim order, we direct respondent No.3 – the District Magistrate, Aurangabad not to take any coercive action against the petitioner in furtherance

of order dated 30.01.2019 for a period of only two weeks from today. We make it clear that this protection is for the stipulated period of two weeks and failure of the petitioner in approaching the Tribunal at Pune within two weeks would lead to vacation of interim protection automatically.

5. With the above directions the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]