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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7571 OF 2019

Warna Sahakari Bank Ltd.

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Ms. Anoushka Goyal i/by Mr. V. S. Kapse for Petitioner.

Mr. K. S. Thorat, AGP for Respondent No.2.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 19, 2019.

P.C.

1. From a perusal of the Writ Petition we find that on 17.01.2017 the Petitioner had obtained an order under Section 14 of the SARFAESI Act, 2002 from the District Magistrate and in pursuance whereof the Tahsildar issued notice to take possession of the secured asset resulting in Satish Baburao Bhosale, the sole Proprietor of M/s. Satish Agro Services (Respondent No.3) filing Writ Petition No. 2818 of 2017.

2. The Writ Petition No. 2818 of 2017 was disposed of on 17.01.2018 noting that on 07.03.2017 Satish Baburao Bhosale had issued a post dated cheque in sum of ₹ 26,50,000/-

with the assurance that the cheque drawn in the name of the Petitioner-Bank would be honoured. It was noted in the order that the cheque had been dishonoured and thus the Writ Petition filed by Satish Baburao Bhosale challenging the order obtained by the Petitioner under Section 14 of the SARFAESI Act, 2002 was not set aside. The said Writ Petition was dismissed clarifying that the Petitioner – Bank shall be free to take possession of the premises without making a fresh application under Section 14 of the SARFAESI Act, 2002.

3. Thus, the Writ Petitioner – Bank need not once again obtain an order under Section 14 of the SARFAESI Act, 2002 and the prayer made that the learned District Magistrate, Kolhapur be directed to decide application annexed as Annexure “J” need not be warranted.

4. We dispose of the Petition directing the Tahsildar, Hatkanangale, who was appointed as the Officer to take possession of the secured asset by the learned District Collector, Kolhapur on 26.03.2018, to take possession of the secured asset and facilitate auction thereof to realize the dues of the Petitioner-Bank.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE