

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 12445 OF 2019

GIC Housing Finance Ltd.

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Sidharth Samantaray a/w. Ms. Dimple Tejani i/b Mr. Sanjay Anabhawane for the Petitioner.

Ms. Nisha Mehra, AGP for the Respondents-State.

Mr. Jagdish Sawant for Respondent Nos.7 to 9.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATE : 11th DECEMBER, 2019.

P.C. :

1. The Writ Petitioner has obtained an order under Section 14 of the SARFAESI Act, 2002 from the Court of District Magistrate, Thane requiring the Tahasildar, Thane to take possession of the secured asset being Flat No.A/101, Raviraj Palms CHSL, Mira Bhayander Road, behind Chheda Complex, Latif Park, Bhayander (East), Thane – 401 105. The order is dated 09.02.2018. Surprisingly, the Circle Officer has been writing letters to the police to render assistance in taking over possession of the secured asset. The result is that till date the order dated 09.02.2018 has not been complied with.

2. Respondent Nos.7 to 9 have not laid the challenge to proceedings initiated by the Petitioner under Section 13(2) of the SARFAESI Act appear through Counsel and pray that further action pursuant to the

order dated 09.02.2018 be deferred because they intend to sell some land in West Bengal to clear the dues of the Petitioner.

3. This Court cannot get into this issue of a proposal yet to fructify in a decision. As long as the order in question stands the same has to be implemented.

4. We are surprised that the Tahasildar is delegating the function to the Circle Officer.

5. We dispose of the Petition directing the Tahasildar, Thane to implement the order dated 09.02.2018. If he seeks police assistance, the same shall be rendered to him.

6. Compliance would be made within four weeks from today.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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