

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**O.O.C.J.**

WRIT PETITION NO.3069 OF 2018

...
 Dipesh Hemraj Borana ...Petitioner
 v/s.
 The State of Maharashtra & ors. ...Respondents

...
 Mr.Anand Mishra a/w Sushil Upadhyay i/b Ashok Sarogi for the Petitioner.
 Ms.Priya N. h/f R.L.Motwani for the Respondent No.3.
 Ms.Sukanta Karmakar, AGP for the State.

...
CORAM : A.A. SAYED &
A.S.GADKARI, JJ.

DATED : 14 JANUARY 2019**P.C.:**

The prayers in the Writ Petition are as follows:

(A) that this Hon'ble Court be pleased to issue an appropriate writ, order and directions directing the Respondent No.1 to appoint some Officers of the grade of IPS/IAS to enquire in respect of conduct on the part of the Officers of the Respondent No.3 i.e. HDB Financial Services as well as Respondent No.4 in taking the law in their hands, by making false statement on oath before the Hon'ble Court and thereafter have obtained necessary orders from the Metropolitan Magistrate's Court and thereafter forcibly dispossessed the Petitioner from the said premises in question and thereafter allegedly auctioned the said flat and subject to outcome of the said report, all the responsible persons be dealt with in accordance with law.

(B) that this Hon'ble Court be pleased to appoint Court Receiver in respect of the said flat being Flt No.404-B and Flat No.450-B situated in a building known as Shreepati Castle Annexe situated at 4th floor, Khetwadi 10th , 11th Lane, Girgaon, Mumbai 400 004 with a directions to take physical possession in respect thereof and with such other directions as this Hon'ble Court may deem fit and proper in the matter.”

2. The Petitioner claims to be a licensee of Flat Nos.404-B and 450-B, which are secured assets. The Petitioner has not invoked the remedy available before the DRT to challenge the order of the Metropolitan Magistrate,

2. In the circumstances, we are not inclined to entertain the Petition. The Petition shall, accordingly, stand dismissed.

(A.S.GADKARI,J.)

(A.A.SAYED, J.)