

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.811 OF 2020

Shalan Sakharam Patil & Ors.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Milind Deshmukh, Advocate for the Petitioners.

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

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 27th JANUARY, 2020

P.C.

1] Case pleaded by the Writ Petitioners is that 182 sq.mtrs. land comprised in Survey No.7/1/A situated at Islampur was purchased by their predecessor in interest late Mr. Sakharam Krishnaji Patil. It is pleaded that on the eastern side of the said plot is the plot of Mr. Jairam Patil and his family.

2] It is pleaded that the said persons i.e. Respondent Nos.8 to 10 have obtained a loan from Respondent Nos.6 and 7. It is pleaded that the Collector has passed an order under Section 14 of the SARFAESI Act, 2002 appointing an officer to take possession of the property of Respondent Nos.8 to 10. It is pleaded that without a proper demarcation the property of the Petitioner has been sealed.

3] Highly disputed question of facts arises for consideration in the Writ Petition as pleaded.

4] The Petitioner would be a person aggrieved by the measure taken under Section 14 of the SARFAESI Act, 2002 and thus would have a remedy of filing an application under Section 17 of the SARFAESI Act, 2002 before the Debts Recovery Tribunal.

5] Thus, we relegate the Petitioners to the statutory remedy under SARFAESI Act, 2002 and dismiss the Writ Petition.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE