

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1376 OF 2020

AU Small Finance Bank Limited .. Petitioner

Vs.

State of Maharashtra & Ors. .. Respondents

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

Mr. Y.S. Khochare, A.G.P. for the State.

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

DATED : 12th FEBRUARY, 2020.

P.C:-

1. The Petitioner seeks a direction against the Tahsildar, Wada, District Palghar to execute the Order dated 01st October, 2019 passed by the District Magistrate, Palghar on an Application filed by the Petitioner under Section 14 of the SARFAESI Act to take possession of the secured assets being House No.364 and 407 at Nane, Post Gorhe, Survey No.241/3, Village Nane, Taluka Wada, District Palghar.

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2. The Tahsildar vide Order dated 8th November, 2019 has delegated the task to the Mandal Adhikari concerned.
3. The delegate cannot sub-delegate the power is recognized by law. Further, if the District Magistrate has directed the Tahsildar by appointing the Tahsildar as the officer authorized by him to take possession of the secured assets, he has to execute the task assigned and not further assign the same.
4. Thus, we declare that the Tahsildar, Wada has to personally execute the Order dated 01st October, 2019.
5. On the execution of the Order, we are informed by the learned counsel for the State that there is a problem. The fiscal entry in the 7/12 extract shows the name of one Manoj Sudhakar Patil to be the recorded owner of the land.
6. The counsel for the Petitioner states that the fiscal entries are for collection of revenue. The title vests as per the document of sale. The mortgage was created by one Mr. Nilesh K. Patil by deposit of title deeds.
7. The Tahsildar would keep that into account.

8. We direct the Tahsildar to execute the order passed by learned District Magistrate, with the police help, if necessary.

9. The Writ Petition is disposed of.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)