

pdp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO. 745 OF 2020

Ramesh Narayan Mangtani

.. Petitioner

Vs.

Shri Haresh V. Milani & Anr.

.. Respondents

Mr. Santosh S. Musale for Petitioner.

Mr. M. M. Pabale, AGP for State.

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

JANUARY 17, 2020

P.C.

1. The Petitioner claims to be a tenant in a property which appears to have been mortgaged with the Bank. Thus the Petitioner cannot question the enforcement of the interest in favour of the bank created by the mortgage. The Petitioner can only protect his possession as a tenant.

2. For this, the Petitioner can draw attention of the District Magistrate/Collector that his possession needs to be retained. The Petitioner can additionally approach the Debts Recovery Tribunal under Section 17 of the SARFAESI, 2002.

3. We decline to entertain the Writ Petition and dismiss the same without any adjudication on merits.

**Pravin D.
Pandit**

Digitally signed by
Pravin D. Pandit
Date: 2020.01.18
15:07:36 +0530

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE