

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (STAMP) NO.2928 OF 2020

M/s. Medi Healthcare Pvt. Ltd. .. Petitioner

Vs.

Thane Bharat Sahakari Bank
Limited (SCH Bank) .. Respondent

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Mr. Siddharth Samantray i/b Manoj Harit & Co. for the
Petitioner.

Mr. Mr. Ashish Kamat with Mr. Nikhil Rajani i/b M/s. V.
Deshpande & Co. for the Respondent.

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

DATED : 14th FEBRUARY, 2020.

P.C:-

1. Learned counsel for the Petitioner states that a limited grievance is being projected in the Writ Petition. The limited grievance is that the order dated 05th September, 2018 passed by the District Magistrate under Section 14 of the SARFAESI Act has appointed the Tahsildar, Thane as the officer subordinate to

him to take possession of the mortgaged property and thus the Tahsildar, Thane cannot sub-delegate the power to the Circle Officer, Thane.

2. Other issues which have been raised by the Petitioner before the Debt Recovery Tribunal would be urged before the Debt Recovery Tribunal.

3. In view of the limited issue raised in the Writ Petition we dispose of the Writ Petition directing that the Circle Officer, Thane will not execute the order dated 05th September, 2018 passed by the District Magistrate, Thane. The Tahsildar, Thane who has been authorized by the said order would execute the same. The Tahsildar, Thane is directed to execute the same within a period of 10 days from today.

5. The above direction would be without prejudice to the right of the Petitioner to pursue the Application filed seeking recall of the order dated 29th November, 2019 passed by the Debt Recovery Tribunal.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)