

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12066 OF 2018

Bank of India

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Prashant Shinde i/by Anant B. Shinde & Co., Advocate for the
Petitioner.

Mr. M. M. Pabale, AGP for the Respondent - State.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 23rd JANUARY, 2020

P.C.

1] In a measure under Section 14 of the SARFAESI Act, 2002, the District Magistrate has appointed the Tahsildar, District Thane vide order dated 9th February 2017 to take physical possession of the secured asset.

2] From the pleadings, it is apparent that to frustrate the said order a tenant has been set up by the mortgagor who has obtained an order of *status-quo* in his favour from the Civil Court.

3] The Petitioner Bank is not a party to said proceedings.

4] Suffice it to state the Tahsildar is bound to execute the order dated 9th February 2017 and if the person in possession claims

bona fide possession as a tenant the remedy of the person is to move an application under Section 17 of the SARFAESI Act, 2002 before the Debts Recovery Tribunal.

5] In that view of the matter, we dispose of the Petition directing Tahsildar, Thane to execute the order dated 9th February 2017 ignoring the *status-quo* order obtained by the tenant against the landlord from Civil Court.

6] Needful shall be done within six weeks from today.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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Balaji G.
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