

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

WRIT PETITION NO. 1419 OF 2019

Shashikant Gole & Anr.

.. Petitioners

Vs.

LIC Housing Finance Ltd. & Ors.

.. Respondents

Mr. Sanjay Bhatia for the Petitioners.

Mr. Amit Shastri, AGP for the Respondent No.3-State.

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

DATE : 6th JANUARY, 2020.

P. C. :

1. The Writ Petition was dismissed in default on 11.11.2019 recording as under:

“1. On all and sundry pleadings order passed by the District Magistrate Thane under Section 14 of the Securitisation & Reconstruction of Financial Assets & Enforcement of Securities Interest Act, 2002 (“SARFAESI” Act) has been challenged in the Writ Petition. The order dated 6th April 2017 records that R-1 has complied with the requirements of sub-section (2) and sub-section (4) of Section 13 of the SARFAESI Act. It records that the account was declared NPA on 10th January 2015. The secured asset has been directed to be taken physical possession of.

2. None appears for the petitioners at the hearing of the petition today. Notice has yet to be issued. No ad-interim relief has been granted to the petitioners. The writ petition is dismissed in default.”

2. The Petitioner has challenged a possession notice issued pursuant to an order dated 06.04.2017 passed by the learned District Magistrate, Thane under Section 14 of the SARFAESI Act.
3. The Petitioner has an efficacious alternate remedy under Section 17 of the SARFAESI Act before DRT.
4. Relegating the Petitioner's Petition to the remedy before DRT, instant Petition is dismissed.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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