

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2021 OF 2021

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Ashok Tatoba Magdum & Anr. ...Petitioner
v/s.
State of Maharashtra & Ors. ...Respondents

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Mr. Dhairyasheel V. Sutar for the Petitioner.
Mrs. A.A. Purav, AGP for the Respondent-State.

...

**CORAM : A.A. SAYED &
MADHAV J. JAMDAR, JJ.**

**DATED : 17 JUNE 2021
(THRGOUH VIDEO CONFERENCING)**

P.C.:

1 The Petitioner is essentially aggrieved by the measures taken under the SARFAESI Act. Notice has been issued by the secured creditor on 28 May 2021 threatening to take possession of secured asset on or before 18 June 2021. According to the learned Counsel for the Petitioner there is no order passed under section 14 of the SARFAESI Act for taking possession.

2 Inasmuch as the Petitioner has remedy before the DRT, we are not inclined to entertain the Petition. The Petition is dismissed with liberty to the Petitioner to approach the DRT. All contentions are kept open.

3 Needless to say that unless there is an order passed under section 14 of the SARFAESI Act, the secured creditor cannot take possession of the secured asset forcefully.

(MADHAV J. JAMDAR, J.)

(A.A. SAYED, J.)