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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3109 OF 2021

Ms. Tasneem Shakir

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr. Huzefa Nasikwala i/by Nasikwala Law Office for petitioner.

Mr. B. V. Samant, AGP for State.

Ms. Sakshi Sahoo i/by Rawal Shah and Co. for respondent No.2.

**CORAM : DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE : JULY 30, 2021

PC:

1. The petitioner is aggrieved because the respondent no.2, a secured creditor within the meaning of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short) has initiated steps to evict her from the premises of which she claims to be a tenant. According to the petitioner, such an attempt on the part of the respondent no.2 is in the teeth of the orders passed from time to time by the Full Bench of this Court in Suo Motu Public Interest Litigation No. 1 of 2021.

2. Ms. Sahoo, learned advocate appearing for the respondent no.2 raises objection to the maintainability of this

writ petition having regard to measures taken by such respondent under Section 13(4) of the SARFAESI Act and in view of availability of an alternative remedy to the petitioner under Section 17 thereof. She, however, makes a statement that the respondent no.2 shall not take any steps to evict the petitioner till Friday next (August 6, 2021).

3. Having heard such submission of Ms.Sahoo, Mr. Nasikwala, learned advocate for the petitioner seeks leave to withdraw this writ petition. He also seeks liberty to approach the Debts Recovery Tribunal having jurisdiction under Section 17 of the SARFAESI Act for relief.

4. We accept the statement of Ms. Sahoo that no steps to evict the petitioner shall be taken till Friday next (August 6, 2021).

5. The writ petition stands disposed of as withdrawn, without costs. Liberty is reserved to the petitioner to apply before the Debts Recovery Tribunal having jurisdiction for such relief as may be available to her in law. All contentions are left open.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)

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