

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**WRIT PETITION NO. 1025 OF 2021**

Saiyad Kalim Saiyad Latif Saiyad and another -- Petitioners

vs.

State of Maharashtra and others --Respondents

**WRIT PETITION NO. 1028 OF 2021**

Yuniskhan Abdullha Khan Pathan -- Petitioner

vs.

State of Maharashtra and others --Respondents

Mr. Sachin Awachar, Advocate for Petitioners.

Mr. A. M. Deshpande, Addl.G.P. for Respondents.

**CORAM : NITIN JAMDAR &  
ANIL S. KILOR, JJ.**

**DATE : 23 FEBRUARY 2021**

**P. C. :**

The Petitioner borrower has filed this Petition on an apprehension that the Respondent No.2 – Tahasildar will proceed to take possession of the Petitioners' property pursuant to the notice issued by Respondent No.4 – Financial Institute under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2.            Firstly, the communication dated 4 December 2020 is not a notice but the Tahasildar has sought clarification from the Collector whether possession can be taken in view of the interim orders passed by the Apex Court regarding recovery of dues during the COVID-19 pandemic situation. There is no date fixed for taking possession, therefore, this inter-departmental communication cannot be considered as a notice for taking possession. Tahasildar will have to be given notice to the Petitioners and even after such notice is given, the Petitioners have a remedy of approaching the Debt Recovery Tribunal.

3.            With these observations, the Writ Petitions are disposed of.

[ ANIL S. KILOR, J. ]

[ NITIN JAMDAR, J. ]