

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

Writ Petition No. 784/2021

Maharashtra State Co-operative Bank Ltd.

...Petitioner

Versus

The Collector, Nagpur

...Respondents

Shri S.K. Mishra, Senior Advocate a/w. Shri Apurv De, Advocate for the
Petitioner

Shri A.M. Deshpande, AGP for the Respondent Nos. 1 to 4 and 8 - State

Shri S.D. Chande, Advocate for Respondent Nos. 5 to 7

Shri P.D. Meghe, Advocate for the Intervenor

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

DATED : 11 FEBRUARY 2021

P.C.:

The Petitioner-Bank has challenged the order/notice passed by the Tahsildar, Nagpur (City) dated 06 February 2021 directing the Petitioner to deposit an amount of Rs.13,89,84,334/- within a period of 24 hours, failing which possession of the premises with fixtures, furnitures and machinery would be taken at 11.00 a.m. on 08 February 2021. This Petition was mentioned at 10.30 a.m. by the Petitioner when the Court commenced hearing and it was informed that physical possession of the Bank would be taken at 11.00 a.m. and the entire functioning of the Bank

would come to a standstill. In view of the short time, we passed following order on 08 February 2021:

“Not on board, taken on board.

- 2. The learned Senior Advocate for the Petitioner submits that the Tahsildar, Nagpur has issued a notice on 6 February 2021 whereby the property of the Bank with furniture and fixtures will be attached at 11.00 a.m. today i.e. 8 February 2021.*
- 3. We have perused the papers. This order is consequence of the litigation instituted by the workers. The Petitioner's appeal is also rejected by the Supreme Court.*
- 4. Considering the fact that the Petition is moved at 10.30 a.m. and the possession will be taken at 11.00 a.m. which according to the Petitioner will disrupt the entire functioning of the Bank and that the Respondents will have to be given an opportunity, place the Petition on board on 11 February 2021.*
- 5. In the meanwhile, the Tahsildar will proceed to take symbolic possession of the property.*
- 6. Hamdast granted.”*

2. Today, the matter is listed on Board. The learned Counsel for the Complainant-Workers is present. Intervention Application is filed on behalf of the Vainganga Sahkari Sakhar Karkhana Mazdoor Sangh.

3. It was informed to us by the learned AGP that even symbolic possession was not taken. The matter was kept back and the learned AGP informed that the symbolic possession thereafter was taken.

4. Our attention is drawn to the order passed by the Apex Court on 04 December 2019 wherein direction is issued to the Collector to recover the amount as above within a period of six months from the date of the order. This period has long since expired.

5. The order dated 08 February 2021 was passed in an exigency projected to us and it was any way a step towards implementation of the impugned order of recovery and attachment. In the light of the order passed by the Apex Court, there is no question of this Court granting any extension.

6. The Writ Petition is rejected. We make it clear that order of symbolic possession is only a step towards implementation of the impugned order of recovery and attachment and the Collector can proceed to take action as per the impugned order and he is made aware that he is under mandate of the order passed by the Apex Court.

7. In view of the disposal of the Writ Petition, the Application for Intervention vide Civil Application (CAW) No. 276/2021 is also disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]