

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3159 OF 2021

Aditya Birla Finance Limited,
having one of it's offices at Shri Shyam
Towers, 8th floor, A Wing,
Sadar, Nagpur-440 001
Through it's Authorised Officer
acting through one of its Asst.
General Manager having authority
to file the application which includes
the authority to verify and sign
the application.

.... **PETITIONER**

// VERSUS //

- 1) The State of Maharashtra,
through it's Secretary,
Ministry of Finance/Revenue,
Mantralaya, Mumbai-32.
- 2) The Collector/District Magistrate,
Nagpur.
- 3) The Tahsildar,
Nagpur.
- 4) The Commissioner of Police,
Nagpur.

.... **RESPONDENTS**

Shri M. Anilkumar, Advocate for petitioner.
Shri N. R. Patil, A.G.P. for respondent Nos.1 to 4.

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATED : 25.08.2021

ORAL JUDGMENT : (Per Sunil B. Shukre, J.)

1. Heard Shri M. Anilkumar, learned counsel for the petitioner and Shri N. R. Patil, learned A.G.P. who appears by waiving notice for respondent Nos.1 to 4.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. This Court in its judgment dated 28.07.2021 had noted the fact that the order passed by the Collector, Nagpur on 27.08.2018 directing the debtors to hand over the possession of the property in accordance with order dated 09.04.2021 to the petitioner, had become final after the proceeding bearing S. A. No. 4 of 2020 came to an end upon dismissal of the Securitisation Appeal by the Debts Recovery Appellate Tribunal and as the debtors were not coming forward to hand over the possession of the secured assets, this Court had directed the concerned respondents therein i.e. the Collector Nagpur, the Tahsildar Nagpur and the Commissioner of Police, Nagpur to ensure that the order passed by the Collector, Nagpur on 09.04.2021 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short the “SARFAESI Act”) was implemented in accordance with law and as expeditiously as possible.

4. In compliance with this order, now the Tahsildar, Nagpur has kept the matter for coercively taking over possession in accordance with the order dated 09.04.2021 of the secured assets on 03.09.2021 but, the grievance of the petitioner is that the office of the respondent No.4 is not lending requisite police aid for implementing the order of the Collector in a coercive manner. It is also stated by the petitioner that the petitioner is ready to deposit all the charges, according to law.

5. In view of above, we direct respondent No.4 to immediately provide the police aid to the petitioner and respondent No.3 for coercively taking over the possession of the secured assets as mentioned in the order passed under Section 14 of the SARFAESI Act by respondent No.2, upon accepting the payment of necessary charges, in accordance with law.

6. It is further directed that adequate police protection shall be provided for the aforesaid purpose on **03.09.2021**.

Rule accordingly. No costs.

(ANIL S. KILOR, J.)

(SUNIL B. SHUKRE J.)