

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 686 OF 2022

M/s Sundaram BNP Paribas Home Finance Ltd. Petitioner

Versus

The State of Maharashtra & others Respondents

Mr. S. S. Panale, Advocate for the petitioner.

Mr. S. B. Yawalkar, AGP for respondents No. 1 to 6.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATE : 16th JUNE, 2022.

PER COURT :

1. The petitioner has put forth prayer clause 'B' which reads as under :-

B) By issuing Writ of Mandamus or any other appropriate Writ or Orders or Directions in the like nature the respondent No. 2 to 6 may kindly be directed to execute the Order dated 14.01.2021 passed u/s 14 of the SARFESI Act, in Case No. 181/2020 of the SARFAESI Act and to take physical possession of the secured assets viz. All that piece and parcel of the property i.e. Plot No. 16, CTS No. 5377/E-16, Survey No. 27, Burhan Nagar, Near Sadar Bazar, Jalna, District Jalna, with directions to the

concerned Police Station to grant police assistance for taking physical possession of the secured assets.

2. The District Collector has issued an order dated 14th January, 2021, considering the verdict of the Debt Recovery Tribunal under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The Talathi has tendered a report dated 10th March, 2022, which is a panchanama indicating that the Judgment Debtor / borrower has sold the same land on 3rd August, 2018 to four persons who have occupied the said premises and are in possession.

3. Section 14(1) of the Act would indicate that the District Collector can execute the order passed by the Debt Recovery Tribunal under Section 14 of the Act.

4. In view of the above, this petition is disposed off with a direction to respondent No. 4 – Talathi, Jalna, to immediately submit a report to the District Collector, on or before 30th June, 2022. Thereafter, respondent No. 2 – District Collector shall initiate such

steps as are permissible in law to ensure that his order dated 14th January, 2021 is implemented in letters and spirit.

(ANIL L. PANSARE)
Judge

(RAVINDRA V. GHUGE)
Judge

dyb