

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**4 WRIT PETITION NO.1224 OF 2017
WITH CA/2353/2022 IN WP/1224/2017 WITH CA/7857/2017 IN
WP/1224/2017**

**HANIF HAYATSAB SHAIKH
VERSUS
THE DY REGIONAL MANAGER BANK OF BARODA NAGPUR AND OTHERS**

...

Advocate for Petitioner : Mr. Venjane Tukaram M.
Advocate for Respondent Nos. 1 & 2 : Mr. V.B. Kulkarni

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 26.09.2022.

PER COURT :

Heard.

2. The writ petition was filed in the year 2017, in spite of availability of alternate remedy before the Debt Recovery Tribunal, because of its non-availability. By the order dated 25.01.2017 some interim relief was granted by this Court, which still continues. Due to supervening events, the petitioner is now seeking to challenge the order of Recovery Officer for taking possession. We feel that now that the Tribunal is available, it would be appropriate for the petitioner to approach the Tribunal and seek all the reliefs being claimed by him.

3. We, therefore, dispose of the writ petition with liberty to the petitioner to approach the Tribunal within two weeks. The interim protection granted shall continue for a period of two weeks and even the order of the Recovery Officer dated 19.01.2022 shall stand stayed for two weeks.

4. Time spent in prosecuting the present petition may be considered.

5. All the issues are kept open.
6. Pending Civil Applications are disposed of.
7. Parties to act upon the authenticated copy of this order.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-