

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

WRIT PETITION NO.4046 OF 2022

KOTAK MAHINDRA BANK LTD THROUGH ITS AUTHORIZED
SIGNATORY SHRI PRALHAD GHAGARE ..PETITIONER

VERSUS

THE DISTRICT MAGISTRATE AND COLLECTOR AURANGABAD
AND OTHERS ..RESPONDENTS

...
Mr. A. V. Indrale Patil h/f Mr. D. K. Thote,
Advocate for the Petitioner.
Mr. S. P. Tiwari, AGP for Respondents-State.
...

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

DATED : 23rd JUNE, 2022.

PER COURT:-

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

"By writ of Mandamus or any other appropriate writ or directions in like nature the Respondent No.1- District Magistrate, Respondent No.2 the Commissioner of Police, Aurangabad and Respondent No.3 Additional Tahsildar along with Respondent No.4 Circle Officer Aurangabad be directed to execute the order dated 19/03/2016 under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

(SARFAESI Act) passed by the District Magistrate Aurangabad and to be hand over possession of secured asset to petitioner bank for that purpose necessary direction to be issued."

2. It is apparent that the Tahsildar and the Circle Officer, respondent nos.3 and 4 are not obeying the directions of the District Collector, respondent no.1. Though the District Magistrate has issued an order to execute the order dated 19.03.2016 delivered under Section 14 of the SARFAESI Act, respondent nos.3 and 4 have still not complied with the said order.

3. The learned A.G.P. submits on instructions received telephonically that respondent nos.3 and 4 would ensure that the order is executed within 45 days.

4. In view of the above, this petition is disposed off with the direction that the respondent nos.3 and 4 shall ensure that the order dated 19.03.2016 is executed on or before 30.07.2022.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE