

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

WRIT PETITION NO.12461 OF 2022

**POONAWALLA FINCORP LIMITED THROUGH ITS
AUTHORISED OFFICER MANDAR ARUN DESHMUKH**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Punit S. Mehta
AGP for Respondent/State : Mr. A.R. Kale

...

**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRAGADE, JJ.**

DATE : 08.12.2022

PER COURT :

Heard the learned advocate for the petitioner as also the learned AGP for the respondent – State.

2. The petitioner is aggrieved by the fact that in execution of the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act), respondent No.4 – the Superintendent of Police has refused to provide the police protection by indulging into an inquiry and pointing out that the property stands in someone else name than the borrower.

3. The Government of Maharashtra in its Home Department by the circular dated 22.04.2019 has specifically issued guidelines for providing protection/assistance by the police personnel while implementing the orders

passed under Section 14 of the SARFAESI Act. It specifically mandates the police machinery to follow the guidelines and provide police protection.

4. The reason being quoted in the impugned communication clearly demonstrates that the respondent No.4 and his office is oblivious of this Government Circular besides being oblivious of the powers vested in them rather the lack of it. It is not the business of the police machinery to independently undertake any inquiry or scrutiny of the facts once the order is passed under Section 14 of the SARFAESI Act. The impugned communication is clearly contrary to the mandate of the law as well as in utter disregard to the State Government's directives in the circular dated 22.04.2019.

5. We allow the petition, quash and set aside the impugned communication and direct the respondent No.4 to provide the police protection in the light of the above observations and without indulging in any scrutiny as to the title to the property.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)