

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.854 OF 2022**

Hasmukh Govindbhai Patel	..Petitioner
vs.	
The Central Bank of India and anr.	..Respondents

Mr. Sidharth Samantray i/b. APS Law Associates for petitioner.

Ms. Tejasvi Dalvi for respondent no. 1.

Mr. B.V. Samant, AGP for State.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : JANUARY 27, 2022

P.C. :

1. Not on board; taken on board.
2. This writ petition is being entertained in view of the order dated December 16, 2021 passed by the Supreme Court of India in Special Leave Petition (C) No. 10911 of 2021 (**State Bar Council of Madhya Pradesh Vs. Union of India**).
3. A notice issued by the Tahsildar, Ulhasnagar dated December 23, 2021 fixing January 27, 2022 as the date for taking over possession of the secured asset is under challenge in this writ petition on diverse grounds.

4. At the outset, Ms. Tejasvi Dalvi, learned advocate for the respondent no.1 (secured creditor) submits that in view of the prevailing situation arising out of the third wave of the pandemic, the secured creditor has been informed by the Tahsildar that the notice dated December 23, 2021 would not be acted upon immediately; hence, there is no threat of the petitioner losing possession of the secured asset today in the immediate future.

5. In view of such statement of Ms. Dalvi, which we accept, nothing survives for consideration in this writ petition. The same stands disposed of. No costs.

6. If any further notice is issued by the Tahsildar, Ulhasnagar fixing a date for taking over possession of the secured asset, the petitioner will at a liberty to apply in accordance with law.

7. All contentions are left open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)