

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1081 OF 2022

Mr. Sayaji Shamrao Thorat and Anr.	} }	Petitioners
versus		
The Authorised Officer, Udyam Vikas Sahakari Bank Ltd., Pune and Anr.	} } }	Respondents

Mr. Hemant Ghadigaonkar for the petitioner.

Mr. Rajesh Kothari for the respondents.

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

DATE: FEBRUARY 3, 2022

P.C.:

1. This writ petition was instituted by the petitioners (borrowers) apprehending dispossession from the secured asset on 5th February 2022.

2. Mr. Kothari, learned advocate for the secured creditor submits that possession of the secured asset is not likely to be taken on 5th February 2022 and that such possession would be taken only after the Tahsildar, Pune issues notice of possession in terms of the order passed by the District Magistrate, Pune under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short).

3. In view of such submission and considering the fact that the petitioners have taken recourse to the remedy under

section 17 of the SARFAESI Act by filing an application before the Debts Recovery Tribunal, Pune (hereafter "the DRT(P)", for short) and that by a notification dated 2nd February 2022 issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services the Presiding Officer, Debts Recovery Tribunal, Aurangabad (hereafter "the DRT(A)", for short) has been entrusted with additional charge of the Presiding Officer of the DRT(P), we see no reason to adjudicate the claims raised by the petitioners in this writ petition. The same is disposed of granting liberty to the petitioners to claim relief, as they may be advised, by approaching the DRT(A), in accordance with law. All contentions are left open.

4. There shall be no order as to costs.

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(M. S. KARNIK, J.)

(CHIEF JUSTICE)