

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

WRIT PETITION NO. 8674 OF 2021

Bank of Baroda	}	Petitioner
Versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Anant B. Shinde i/b. Mr. Anant B. Shinde
and Co. for the petitioner.

Ms. R. A. Salunkhe-AGP for State.

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

DATE: FEBRUARY 24, 2022

P.C.:

1. We have perused the office note dated 9th February 2022, which is to the effect that the order dated 28th January 2022 passed by us was attempted to be served on the respondents 6 and 7, but the bailiff could not serve it on the said respondents because the door was locked; hence, the notice was pasted on the outer part of the door. We also find from such report that the petitioner's advocate has filed an affidavit of service on 8th February 2022 stating therein that the respondents 6 and 7, who were present in the house, refused to accept the notice along with a copy of the order.
2. None appears for the respondents 6 and 7. On perusal of the orders dated 14th January 2022 and 28th January 2022

passed on this writ petition, it appears that sufficient opportunity has been given to the respondents 6 and 7 to enter appearance and contest the prayers made in the writ petition. Evidently, they do not seem to be interested to avail such opportunity. In the absence of any material to the contrary, we accept the report of the Police Inspector, Kankavali Police Station that the respondents 6 and 7 broke open the padlock of the secured asset and trespassed therein without the authority of law and particularly when they were dispossessed once in pursuance of the order passed by the District Magistrate, Sindhudurg dated 20th August 2019.

3. Having regard to the above, we allow the writ petition by passing an order in terms of prayer clause (b) of the writ petition. There shall be no order as to costs.

4. This order be complied with as early as possible, but not beyond a fortnight of receipt of a copy thereof.

SALUNKE
J V

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by SALUNKE J V
Date: 2022.02.25
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(M. S. KARNIK, J.)

(CHIEF JUSTICE)