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

WRIT PETITION NO. 1271 OF 2022

Mr. Rajendra Suresh Konde .. Petitioner
Vs.
Executive Magistrate/Resident Deputy
Tehsildar, Haveli and ors. .. Respondents

Mr. Prasad B. Kulkarni, for Petitioner.

Mr. B.V. Samant, AGP for State – Respondents No. 1, 2 & 7.

Mr. Nikhil Rajani a/w Ms. Apoorva Kulkarni i/b M/s. V.
Deshpande & Co., for Respondent No. 4.

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

DATE : FEBRUARY 22, 2022

P.C. :

1. Mr. Kulkarni, learned advocate appearing for the petitioner submits that the cheque for a sum of Rs. 3.75 lakh has been encashed by the respondent no. 4 (secured creditor). Mr. Rajani, learned advocate appearing for the respondent no. 4, agrees with such submission.

2. We had entertained the writ petition on the ground that the office of the Presiding Officer, Debts Recovery Tribunal, Pune was vacant at the relevant time and charge was not made over to any other Debts Recovery Tribunal

(hereafter "the DRT", for short) in the State. However, by an order dated February 2, 2022, the Presiding Officer, DRT, Aurangabad has been given additional charge of DRT, Pune.

3. In such view of the matter, we do not propose to keep this writ petition pending. The same stands disposed of with liberty to the petitioner to pursue his remedy before the appropriate forum in accordance with the provisions of section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "the SARFAESI Act", for short). For a period of three weeks from date, the order of injunction passed by us on February 10, 2022 shall continue to remain operative with liberty to the parties to pray for extension/vacation thereof before the relevant DRT having jurisdiction.

4. All contentions on merits are left open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)