

Urmila Ingale

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

WRIT PETITION NO. 1268 OF 2021

Mr. Balkrishna Agatrao Khandagale and anr. .. Petitioners
Vs.
District Magistrate and Collector,
Pune and ors. .. Respondents

Mr. Sumit Kate i/b Dr. Uday P. Warunjikar, for the
Petitioners.

Mrs. R. A. Salunkhe, AGP for State.

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

DATE: APRIL 4, 2022

P.C.:

1. Not on board; taken on board.
2. The petitioners impugn an order dated January 13, 2020 passed by the District Magistrate and Collector, Pune under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereafter "SARFAESI Act", for short).
3. Although this writ petition was instituted on February 13, 2020, the petitioners did not take any step to have the same heard by the appropriate Bench. It is only after the Tahsildar, Pune has fixed April 6, 2022 as the date for taking possession of the secured asset and forwarding the same to the secured creditor, that a prayer was made in the morning today for placing this writ petition on production board.

4. In view of the judgment of the Supreme Court in **Phoenix ARC Private Limited Vs. Vishwa Bharati Vidya Mandir & Ors.**,¹ this writ petition against a private financing company is not maintainable; however, since a remedy under Section 17 of the SARFAESI Act is available to the petitioner, he shall be at liberty to pursue such remedy in accordance with law.

5. The writ petition stands dismissed without costs.

6. All contentions are left open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

¹ Civil Appeal No. 257-259 of 2022, dated 12th January 2022