

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO.705 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU
URBAN CO OPERATIVE BANK LTD BEED
THROUGH ITS RECOVERY OFFICER

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr A.S. Shinde

AND

928 WRIT PETITION NO.710 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN COOPERATIVE
BANK LTD. THROUGH ITS RECOVERY OFFICER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr P.K. Lakhotiya

AND

929 WRIT PETITION NO.711 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN COOPERATIVE
BANK LTD THROUGH ITS RECOVERY OFFICER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr S.J. Salgare

AND

930 WRIT PETITION NO.714 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN CO OPERATIVE
BANK LTD BEED THROUGH ITS RECOVERY OFFICER

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mrs M.A. Deshpande

AND

931 WRIT PETITION NO.715 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN COOPERATIVE
BANK LTD. THROUGH ITS RECOVERY OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr S.B. Yawalkar

AND

934 WRIT PETITION NO.719 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN COOPERATIVE
BANK LTD. THROUGH ITS RECOVERY OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr S.J. Salgare

AND

940 WRIT PETITION NO.748 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN CO OPERATIVE
BANK LTD BEED THROUGH ITS RECOVERY OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr A.S. Shinde

941 WRIT PETITION NO.753 OF 2023

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN CO OPERATIVE
BANK LTD BEED THROUGH ITS RECOVERY OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Advocate for Petitioner : Mr Kamlakar J.Suryawanshi
AGP for Respondents/State : Mr P.K. Lakhotiya

**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 19-01-2023

PER COURT :

1. The petitioners in all these petitions are the secured creditors awaiting execution of the order passed by the District Magistrates in respective matters under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (***The SARFAESI Act***).

2. The learned advocate for the petitioners submits that in spite of several attempts, for some reason or the other, the respondents/Tahsildars are not executing the orders passed by the District Magistrates in flagrant violation of the guidelines laid down by this Court in the matter of ***International Asset Reconstruction Company Private Limited Vs. The Union of India and Ors; Criminal PIL No. 24/2011*** decided at the Principal Seat on 20 August, 2011.

3. The learned AGP submits that there could be some practical difficulties faced by the Tahsildars, who are supposed to execute the order.

4. Suffice for the purpose to observe that once the District Magistrate passes order under Section 14 of the *SARFAESI Act*, no such leeway or discretion is available with his subordinates, who are supposed to execute the order in letter and spirit. The guidelines laid down in the matter of ***International Asset Reconstruction Company Private***

Limited Vs. The Union of India and Ors; (supra) even address this issue.

5. Considering the intention of the legislature in providing a mechanism for recoveries due to the banks and financial institutions, the subordinate officers cannot be allowed to scuttle this intention by sitting over the orders passed under Section 14 of the the *SARFAESI* Act.

6. We dispose of the writ petitions by directing the respondents to implement and execute the orders passed under Section 14 of the *SARFAESI* Act in all these matters as expeditiously as possible and in any case, within a period of four weeks from today.

[S.G. CHAPALGAONKAR, J.]

[MANGESH S. PATIL, J.]

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