

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1259 OF 2023

JM FINANCIAL ASSET RECONSTRUCTION COMPANY LTD. THROUGH
ITS AUTHORISED OFFICER NIRAV PAREKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

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Advocate for Petitioner : Mr. Atul A. Mishra with Bolkar Yogesh B.
AGP for Respondents: Mrs. M.A. Deshpande.

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

DATE : 1 FEBRUARY 2023

P.C.:-

Heard both sides.

2. The petitioner – financial institution is aggrieved by the fact that pursuant to the order passed by the District Magistrate under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the respondent – Tahsildar who himself is a delegate of the District Magistrate has, instead of executing the order, issued notices to the secured creditors and the petitioner, *inter-alia*, directing his own subordinates to execute the order and submit the compliance report.

3. This Court in the matter of Panjab National Bank Vs. State of Maharashtra in W.P Stamp No. 26048 of 2019, by order dated

12.12.2019 (Principal Seat) has specifically observed and laid down that the Tahsildar, in turn, cannot direct his subordinates to execute the order, when he himself is a delegate of the District Magistrate.

4. In the light of above, the impugned action of the respondent/Tahsildar delegating his powers to his subordinates, is clearly contrary to law.

5. We allow the petition and direct the respondent Tahsildar to execute the order passed by the District Magistrate under Section 14 himself, as expeditiously as possible and in any event, within a period of four weeks.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

grt/-