

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

WRIT PETITION NO.1867 OF 2023

POONAWALLAFINCORP LIMITED THROUGH ITS AUTHORIZED OFFICE
VILAS MANIK TIRPUDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Amol S. Gandhi h/f Mr. Mehta Punit S
AGP for Respondents/State: Mr. S. B. Yawalkar
...

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

DATE : 16.02.2023

PER COURT :

. A financial institution has to approach this Court soliciting directions to the Tahsildar concerned for implementation of the order passed by respondent no.2 - District Magistrate under Section 14 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 [hereinafter referred to as 'SARFAESI Act' for short].

2. This Court right since the decision in the matter of **Saraswat Cooperative Bank Limited Vs. State of Maharashtra and Others** (Writ Petition No.4344/2011 dated 28.07.2011 has been repeatedly laying down the guidelines for passing of the orders under Section 14 of SARFAESI Act and its implementation.

3. In the matter of **Punjab National Bank Vs. The State of Maharashtra and Others** (Writ Petition Stamp No.26048/2019 by the order dated 12.12.2019 it was even declared that the Tahsildar who himself is a delegate of the District Magistrate could not delegate the powers to his subordinates

as far as execution of the order passed under Section 14 of SARFAESI Act is concerned. The Finance Companies have to approach this Court for the same errors. The revenue authorities are sitting over the orders passed under Section 14 of SARFAESI Act contrary to the intention of the legislature.

3. We dispose of the writ petition by directing the respondent No.3 to execute the order passed by the respondent no.2 - District Magistrate under Section 14 of SARFAESI Act, as expeditiously as possible and in any event within four weeks.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer