

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

WRIT PETITION NO.13807 OF 2023

**KESHARNATH DASHRATH KARHALE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY
DEPARTMENT OF FINANCIAL SERVICES MINISTRY OF
FINANCE DEPT**

...
Advocate for the Petitioner : Shri Dodya Shrigopal G.
Standing Counsel for the Respondents/UoI : Shri R.R. Bangar
AGP for the Respondents/State : Shri P.K. Lakhotiya
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st November, 2023

Per Court :-

1. In this Writ Petition, the Petitioner seeks to challenge a final consequential action by the concerned Authorities of handing over physical possession of the mortgaged property, which has already suffered an order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The order passed by the District Collector has attained finality.

2. The Petitioner had in fact filed proceedings to challenge the said order before the learned Debts Recovery

Tribunal. The said proceedings have been dismissed in default. Instead of making an attempt to take steps for restoring the said proceedings or to challenge the order before the learned Debts Recovery Appellate Tribunal, the Petitioner has filed this petition seeking reliefs indirectly, which he can seek directly under the specific provisions of the said Act of 2002 before the specific forum created under the Statute.

3. In these circumstances and since the journey of litigation and the forum is prescribed under the Act of 2002, we do not intend to cause any indulgence in this petition. As such, **this Writ Petition is dismissed.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)