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

WRIT PETITION NO. 7038 OF 2023

TATA Capital Finance Services Ltd. .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

**Mr. Nikhil Mehta i/b KMC Legal Venture, Advocates for
the Petitioner.**

Mr. R.S. Pawar, AGP for Respondent Nos. 1 and 2.

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : JUNE 20, 2023

P. C.

1. The above Writ Petition is filed by the Petitioner (TATA Capital Finance Services Ltd.) inter-alia seeking a direction to Respondent No. 2 (The Nivasi Nayab Tehsildar), to forthwith take physical possession of the mortgaged property in terms of order dated 06.01.2023 passed under Section 14 of the SARFAESI Act, 2002 by the District Magistrate. In the alternative it is prayed for Respondent No. 2 to take physical possession of the mortgaged property in a time bound manner.

2. The learned Advocate appearing for the Petitioner, has brought to our attention that after filing of the above Petition,

physical possession of the mortgaged property has been taken on 19/05/2023 by the Tehasildar, who has then handed over physical possession to the Petitioner. He, therefore, submits that nothing survives in the above Writ Petition and seeks leave to withdraw the Petition.

3. In the above circumstances, the Writ Petition is disposed of as withdrawn. No order as to costs.

4. All concerned to act on an authenticated copy of this order duly authenticated by the Assoicate.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]