

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

WRIT PETITION NO. 7042 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 : 20th JUNE 19, 2023

P. C.

- 1.** The above Writ Petition is filed seeking the following relief:-

“(A) This Hon’ble Court be pleased to direct the Respondent No. 2 to forthwith take the physical possession of the said mortgaged property in terms of the order dated 18.10.2022 passed under Section 14 of the SARFAESI Act by the Learned Magistrate and/or in the alternative this Hon’ble Court be pleased to fix the time limit for the Respondent No. 2 taking the physical possession of the mortgaged property”

- 2.** Learned Counsel appearing for the Petitioner submits that despite issuing several notices for taking physical possession of the mortgaged property in terms of order dated 18.10.2022 [passed

under Section 14 of the SARFAESI Act, 2002], nothing has been done till date. Learned Counsel for the Petitioner submits that this is contrary to the mandate set out in several Judgments passed by this Court.

3. Considering the limited issue in this Writ Petition, we dispose of the same by directing Respondent No. 2 to take physical possession of the mortgaged property on 27.06.2023 and report compliance to this Court. If the Tehsildar requires the assistance of the Police while taking possession, the concerned local Police Station shall give all assistance including providing adequate number of police personnel, failing which the Senior Inspector of the concerned Police Station shall be held liable for contempt.

4. The Writ Petition is disposed of in the aforesaid terms. No order as to costs.

5. Place the above Writ Petition on board on 30th June, 2023 only for the purpose of compliance.

6. All concerned to act on an authenticated copy of this order duly authenticated by the Associate.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]