

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

WRIT PETITION NO.2179 OF 2021

AU Small Finance Bank Limited ... Petitioner

V/s.

State of Maharashtra and ors. ... Respondents

Mr.Sanjay Anbhawane, Advocate for the Petitioner.

Ms.Shruti D. Vyas, "B" Panel Counsel for Respondents No.1,5 and 6/State.

Mr.Vignesh Ashokan with Mr.Abhijit Bansode and Mr.Sachin Deokar, Advocates for Respondent No.7.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 03 APRIL 2023.

P.C.:-

1. Pursuant to application made, the District Magistrate of Pune had passed an order dated 15 July 2019 under section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) directing to hand over the secured asset to the Petitioner and accordingly, the physical possession of the secured asset was handed over. Learned counsel for

Priya Soparkar

the Petitioner states that thereafter the Respondent Nos. 6 and 7 have trespassed on to the secured asset. He states that this fact has been brought to the notice of the District Collector, but no action thereupon is taken. The application to that effect is made on 28 July 2020.

2. The District Collector will pass a reasoned order on the said application as to whether the District Collector would proceed to exercise powers under section 14 of the SARFAESI Act or he does not have the powers under the Act. After the order is so passed, the concerned parties will have their rights and remedies open. The learned counsel for the State informs that subject to earlier time-bound commitments, the District Magistrate will pass the order within a period of six weeks from today.

3. Writ Petition is accordingly disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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