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

WRIT PETITION NO. 9276 OF 2023

Mr. Kanwarjitsingh Rajendrasingh Chaddha And ...Petitioners
Ors

Versus

Authorised Officer, State Bank Of India , Stress ...Respondents
Assets Management Branch-2 And Ors

Mr. Anant Vadgaonkar, Advocates for Petitioner.

Mr R.S. Pawar, AGP for State/Respondent.

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

DATE : JULY 31, 2023

P. C.

1. The learned Advocate appearing on behalf of the Petitioners has stated that he has already filed Securitisation Application (L) No. 117 of 2023 challenging the measures taken by the Respondent/Bank under Section 13(4) of the SARFAESI Act, 2002. He submitted after filing of this Application, an Order has been passed under Section 14 [of the SARFAESI Act] on 19th April, 2023 directing that physical possession of Petitioners' property (which is one of the properties which form the

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subject matter of the Section 14 Order) would be taken. In these circumstances, that they have approached this Court in writ jurisdiction.

2. When we pointed out to the learned Advocate appearing on behalf of the Petitioners that even an order under Section 14 passed by the District Magistrate can be challenged under Section 17 of the SARFAESI Act, 2002, he sought leave to withdraw the above Writ Petition with liberty to approach the DRT under Section 17.

3. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed. We make it clear that we have not opined on the merits of the matter, and the DRT shall decide the Application proposed to be filed by the Petitioners, on its own merits and in accordance with law.

4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]