

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

WRIT PETITION NO.10196 OF 2023

Rajendra Pundlik Deore & Ors. .. Petitioners

Versus

The Saraswat Co-operative Bank
Limited & Ors. .. Respondents

***Mr.Uday Warunjikar i/b Bhushan Deshmukh, Advocates
for the Petitioner.***

***Mr.Charles D'souza a/w Nikhil Rajani i/b M/s. V.
Deshpande & Co., Advocates for Respondent No.1.***

***Mr.A.I. Patel, Addl. G.P. a/w M.S. Bane, AGP for
State/Respondent.***

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

DATE : OCTOBER 09, 2023

P. C.

1. In the above Writ Petition what is challenged by the Petitioner is the order passed by the District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "**the SARFAESI Act, 2002**").

2. Mr. Warunjikar, the learned counsel appearing on behalf of the Petitioner, on instructions, fairly stated that since there is an alternate remedy available to the Petitioner under Section 17 of the SARFAESI Act, 2002 he wishes to withdraw the above Writ Petition with liberty to avail the alternate remedy.

3. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed.

4. We are informed that possession of the property of the Petitioner was to be taken on 4th & 5th October, 2023 that has not been done. As per procedure now fresh possession notice would have to be issued to the Petitioner before possession can be taken. That will be done provided there are no orders of stay are granted by the DRT under Section 17 of the SARFAESI Act, 2002.

5. 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.]