

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11262 OF 2023**

IDFC First Bank Ltd

..Petitioner

***Versus***

The State of Maharashtra &amp; Ors

..Respondents

ANJALI  
TUSHAR  
ASWALE

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ANJALI TUSHAR  
ASWALE  
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***Mr.Archit Virmani***, with *Mr.Anshul Kolhar, Atul Gupta*,  
*Advocates for the Petitioner.*

***Mr.A. I. Patel, Addl. G.P.***, for the State/Respondent.

***Mr.Anushak Davar*** with *Shavez Mukri, Shadad Khan*,  
*Advocates for the Intervener.*

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

**DATE : SEPTEMBER 21, 2023**

**P.C.**

The above Writ Petition is filed inter alia seeking a direction to Respondent No.2 to execute and implement the order dated 11<sup>th</sup> December, 2019 passed by the District Magistrate, Thane under Section 14 of the SARFAESI Act, 2002. From the record, we find that though the order under Section 14 of the SARFAESI Act, 2002 was passed as far back as on 11<sup>th</sup> December, 2019, the same has not been executed till date. Since this is the limited prayer in the present Petition, we direct that Respondent

No.2 (Tehsildar, Thane) shall proceed to take physical possession of the secured assets, namely, (i) *Apartment No.102 on the 1<sup>st</sup> floor building no.57 in the building known as “Seawoods Estate Ltd” situated at NRI complex, Plot no.1, Village Karave Sector 54, 56, 58 Nerul Navi Mumbai 400 706; and (ii) Apartment No.403 on the 4<sup>th</sup> floor building no.52 in the building known as “Seawoods Estate Ltd” situated at NRI complex, Village Karave Sector 54, 56, 58 Nerul Navi Mumbai 400706, on 5<sup>th</sup> October, 2023 at 12.00 p.m.* The Senior Police Inspector of the local Police Station is directed to give all assistance to the Tehsildar, Thane (including deputing adequate number of Police Personnel) to ensure that he take physical possession of the abovementioned secured assets without any hindrance failing which the said Senior Police Inspector shall be liable for contempt. Once physical possession of the secured assets is taken, the same shall be handed over to the Authorized Officer of the Petitioner bank.

2           We make it clear that this order is passed without prejudice to the rights and contentions of the Intervener Mr. Sanjiv Nandlal Kumar who is a Guarantor and who has already filed S. A.(L)No.1949 of 2023 before the DRT. In other words, if the DRT, after hearing the parties finds that any ad-interim relief

ought to be granted to the Guarantor, it is free to vary this order passed by us today. In the absence of any ad-interim relief being granted, the directions given by us in this order shall be strictly implemented by the authorities.

3           We must also mention that we have not opined on the merits of the matter one way or the other, and all contentions of all parties are expressly kept open to be agitated before the DRT.

4           The Writ Petition is accordingly disposed of. No order as to costs.

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 ].**