

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

WRIT PETITION NO. 9534 OF 2023

Vijaykumar Gurubala Birajdar And Anr. ...Petitioners

Versus

The State Of Maharashtra And Ors. ...Respondents

Adv. Shrishail Sakhare, Advocates for Petitioner.

Ms. Kavita N. Solunke, AGP for the State/Respondent

CORAM : B. P. COLABAWALLA &

M.M. SATHAYE, JJ.

DATE : AUGUST 2, 2023

P. C.

1. The learned Counsel appearing on behalf of the Petitioners fairly submitted that Petitioners have an alternate remedy under Section 17 of the SARFAESI Act, 2002, to challenge the order passed by Tehsildar and Executive Magistrate, North Solapur dated 22nd October, 2021. This order was passed under Section 14 of the SARFAESI Act, 2002. Therefore, he sought leave to withdraw to the above Writ Petition with liberty to avail of the alternate remedy.

2. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty to the Petitioners to approach the DRT under

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Section 17 of the SARFAESI Act, 2002. We clarify that we have not opined on the merits of the Petitioners' case, one way or the other, and if they file any application before the DRT, the same shall be decided on its own merits and in accordance with law.

3. 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.]