



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

WRIT PETITION NO. 12546 OF 2023

Pnb Hsg. Finance Ltd. And Anr

...Petitioners

Versus

The State Of Maharashtra The Honorable District
Magistrate And Ors.

...Respondents

Mr. Nikhil Rajani i/by V. Deshpande & Co., *Advocates for
Petitioners.*

Mrs. N.M. Mehra, *AGP for State/Respondent Nos. 1 to 5.*

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

DATE : OCTOBER 10, 2023

P. C.

1. The above Writ Petition is filed by the Petitioner/Bank making a grievance that despite an Order being passed under Section 14 of the SARFAESI Act, 2002 as far back as on 11th October, 2022, the same is not yet implemented.

2. Mr. Rajani, the learned Advocate appearing on behalf of the Petitioners stated that after the filing of this Writ Petition, on 4th October, 2023, a notice is issued by the Nayab Tahsildar Shirur, Tq.

Shirur District Pune, to the borrower that possession will be taken of the secured assets on 25th October, 2023.

3. In these circumstances, we dispose of this Writ Petition by directing that physical possession of the secured assets mentioned in the Section 14 Order shall be taken by the concerned Nayab Tahsildar on 25th October, 2023 subject to any stay being granted by the DRT from taking possession, if the DRT is so approached. For the purposes of taking possession by the Nayab Tahsildar, the local police station shall give all necessary assistance (including deputing adequate number of Police Personnel), to the Nayab Tahsildar to ensure that physical possession of the secured assets are taken by the Nayab Tahsildar, failing which the Senior Police Inspector of the concerned Police Station shall be held liable for contempt. The Tahsildar shall, then hand over the same to the authorized Officer of the Petitioner/Bank,

4. We again make it clear that, this Order is subject to any stay being granted by the DRT in appropriate proceedings that may be initiated by the borrower/s.

5. The Writ Petition is accordingly disposed of. However there shall be no order as to costs.

6. Though we have disposed of the above Writ Petition, considering that possession is to be taken on 25th October, 2023, we place the above Writ Petition on Board 26th October, 2023 for reporting compliance.

7. 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.]