



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

WRIT PETITION NO. 12478 OF 2023

Tourism Finance Corporation Of India Ltd. ...Petitioner

Versus

The State Of Maharashtra And Ors ...Respondents

***Mr. Sidharth Samantaray a/w Mr. Vinod Kothari a/w
Ms. Sonal Sanap, i/by Apex Law Partners Advocates for
Petitioner.***

Ms. M.S. Bane, AGP for the State/Respondent.

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

DATE : OCTOBER 20, 2023

P. C.

1. The above Writ Petition has been filed seeking to implement the Order passed under Section 14 of the SARFAESI Act, 2002.

2. The learned Counsel appearing on behalf of the Petitioner brought to our attention that possession was sought to be taken on 16th September, 2023 after giving due notice to the borrower. However possession could not be taken on that date because there was a mob of about a 100 people who obstructed the Naib Tahsildar from taking

possession of the secured asset. He has informed us that now a fresh possession notice has been issued to the borrower [and which has been duly served] informing them that physical possession of the secured asset would be taken on 7th November, 2023.

3. We have heard the learned Counsel appearing on behalf of the Petitioner as well as the learned AGP appearing for the State/Respondent. We have also perused the videos that were shown to us when the Petitioner could not take physical possession of the secured asset because of the opposition of about 100 people.

4. Considering that now possession is fixed for 7th November, 2023, we disposed of the above Writ Petition by directing the Talegaon MIDC Police Station to give all necessary police assistance to the Naib Tahsildar [including deputing adequate number of police personnel] to ensure that possession of the secured asset is taken from the borrower on 7th November, 2023 and thereafter handed over to the Petitioner, failing which the Senior Police Inspector of the Talegaon MIDC Police Station shall be liable for contempt. Considering that last time possession could not be taken because there were about 100 people obstructing the Naib Tahsildar from taking physical possession, the Talegaon MIDC Police Station shall ensure that enough police personnel are deputed to ensure that physical possession of the secured asset is

taken on 7th November, 2023. A copy of this Order shall also be served by the AGP on the Police Commissioner Pune City (Respondent No. 3) so that the said Police Commissioner can ensure that this Order is complied without any hindrance.

5. Though we have disposed of the above Writ Petition, we place the above matter on board on 9th November, 2023 for reporting compliance.

6. It is needless to clarify that, whatever fees are required to be paid to the police authorities for execution and implementation of this Order as well as the Order passed under Section 14 of the SARFAESI Act, 2002, will be born by the Petitioner.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned, including the police authorities, will act on production by fax or email or a hard copy of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]