

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13361 OF 2023

SVC Co-op Bank Ltd & Anr

...Petitioners

*Versus*

The State of Maharashtra & Ors

...Respondents

Mr. Nikhil Rajani a/w Shreyansh Desai, i/b M/s. V. Deshpande & Co., *Advocates for the Petitioners.*

Mr. A.I. Pate, Addl. GP, *for Respondent-State.*

CORAM : B. P. COLABAWALLA &  
SOMASEKHAR SUNDARESAN, JJ.

DATE : DECEMBER 11, 2023

PC :

1. Rule. With consent of parties, Rule made returnable forthwith and heard finally.

2. The above Writ Petition is filed seeking a direction to Respondent No. 2 to execute and implement the order dated 3<sup>rd</sup> February 2023 passed by Respondent No. 1 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act").

3. The subject matter of the Section 14 order are properties more particularly described in Exhibit 'A' to the Petition. For the sake of convenience, the said properties are described hereunder:

i. All that piece and parcel of property being NA land admeasuring at about 2002.50 sq.mtr., and 2530 sq.mtrs., along with entire construction thereon out of total land admeasuring at about 8000 sq.mtrs. Gat No. 79/3, situated at Mangarul, Tal. Chandwad, District Nashik within the limits of Nashik Zilla Parishad belonging to Mrs. Seema Ramesh Ghodke.

ii. All that piece and parcel of property being NA residential Plot No. 1, admeasuring at about 726 sq.mtr., from and out of Survey No. 67/4A/2 situated at Angangaon, Taluka Yeola, District Nashik within the limits of Nashik Zilla Parishad belonging to Mr. Jivan Vaijnath Gade, Mrs. Vishali Jivan Gade.

4. The grievance made in the present Petition is that despite the order dated 3<sup>rd</sup> February 2023 passed under Section 14 of the SARFAESI Act, the Tehasildar has till date not taken possession.

5. Considering these facts and circumstances, we dispose of the above Writ Petition by directing Respondent No. 2 to take physical possession of the property described at item (i) above on 15<sup>th</sup> January

2024 at 12:00 pm and dispossess and/or vacate any person found therein and thereafter handover the same to the Authorized Officer of the Petitioner Bank. The Authorized Officer of the Petitioner Bank shall remain present on 15<sup>th</sup> January 2024 at 12:00 pm to take physical possession of the said property from Respondent No. 2. The local Police Station (Chandwad Police Station) shall give all necessary assistance to Respondent No.2 (including deputing adequate number of police personnel) to ensure that Respondent No. 2 is able to take physical possession of the property described at item (i) above from whoever is found therein, failing which the Senior Police Inspector of the said Police Station shall be held liable for contempt. The Petitioners shall pay the necessary charges of the Police Authorities for rendering assistance to Respondent No.2 as directed above.

6. Similarly Respondent No. 2 shall take physical possession of the property described at item (ii) above on 12<sup>th</sup> January 2024 at 12:00 pm and dispossess and/or vacate any person found therein and thereafter handover the same to the Authorized Officer of the Petitioner Bank. The Authorized Officer of the Petitioner Bank shall remain present on 12<sup>th</sup> January 2024 at 12:00 pm to take physical possession of the said property from Respondent No. 2. The local Police Station

(Yeola Police Station) shall give all necessary assistance to Respondent No.2 (including deputing adequate number of police personnel) to ensure that Respondent No. 2 is able to take physical possession of the property described at item (ii) above from whoever is found therein, failing which the Senior Police Inspector of the said Police Station shall be held liable for contempt. The Petitioners shall pay the necessary charges of the Police Authorities for rendering assistance to Respondent No.2 as directed above.

7. Rule is made absolute in the aforesaid terms and the Writ Petition is accordingly disposed of. However there shall be no order as to costs.

8. Despite disposal of the above Writ Petition, we now place the same on board for reporting compliance on 17<sup>th</sup> January 2024.

9. 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.

**[ SOMASEKHAR SUNDARESAN, J.]**

**[ B. P. COLABAWALLA, J.]**