

Arjun

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

WRIT PETITION NO.13654 OF 2023

Eliyas Munir Shaikh & Anr.

...Petitioners

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Pritesh K. Bohade, for the Petitioners.

Mrs. V. S. Nimbalkar, AGP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : NOVEMBER 01, 2023

P.C.:

1. Heard Mr. Bohade, learned counsel appearing for the Petitioners.

2. The challenge in the present Writ Petition is to the order dated 20th April 2023 passed by the learned Chief Metropolitan Magistrate Court at Esplanade, Mumbai, in Securitisation Application No.1727/SA/2022. The said Application has been filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for taking possession of the secured asset, i.e., Flat No.303, Malwani Sai Leela Co-op. Hsg. Society Ltd., Plot No.57, MHADA Complex, Village Malwani, Malad (W), Mumbai-400095.

3. It is the contention of learned counsel appearing for the Petitioners that the Petitioners are not the borrowers. However, the Petitioners have acquired the said flat on leave and license basis from the borrowers. Thus, the Petitioners are the licensees of the borrowers. However, perusal of the said Leave and License Agreement dated 24th August 2021 shows that the period of leave and license was from 1st October 2021 to 31st August 2022, and the same has come to an end by the efflux of time.

4. Accordingly, interference by this Court under Article 227 of the Constitution of India is not warranted.

5. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]