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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.1482 OF 2024
(AU Small Finance Bank Limited Vs. The State of Maharashtra, Through
Secretary and Others)

WITH
927 WRIT PETITION NO. 1494 OF 2024

AU SMALL FINANCE BANK LIMITED THROUGH ITS AUTHORIZED
OFFICER RAHUL RAMESHRAO PUND
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS
WITH
930 WRIT PETITION NO. 1497 OF 2024

S.M.F.G. INDIA HOME FINANCE CO. LTD. THROUGH ITS
AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

Mr.S.S.Gangakhedkar, Advocate for the Petitioners.
Mr.S.B.Narwade, AGP for the Respondent/State.

**(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)**

DATE : FEBRUARY 7, 2024

PER COURT :

1. The learned AGP places on record the communication received from the Tahsildar, Vaijapur, dated 06.02.2024, Tahsildar, Ahmednagar dated 06.02.2024 and Circle Officer, Dhule dated 07.02.2024, respectively. He submits that these officers at the said 3

places would themselves ensure that the order of the District Magistrate u/s 24 of the SARFAESI Act will be implemented in view of the law laid down by this Court in **L & T Finance Vs. State of Maharashtra and others** [AIR Online 2023 Bombay 825].

2. The learned Advocate for the Petitioners submits that considering the settled position of Law, the order of the District Magistrate can be implemented only by the Tahsildar as a delegatee and the delegatee cannot be further delegate authority to a Circle Officer or any other Officer as it would render the action of the said Authority, *non-est*.

3. In view of the above, **these 3 Petitions are disposed off** by directing that only the Tahsildars in these 3 matters would execute the order of the District Collector within 30 days from today, by following the due procedure laid down in law.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)