



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 1892 OF 2024

M/S. CHOUDHARY INDUSTRIES  
VERSUS  
BANK OF MAHARASHTRA

Ms.Riya Jariwala h/f. Mr. V.S. Kabra, Advocate for the Petitioner.  
Mr.A.N. Sikchi h/f. Mr. V.R. Patil, Advocate for sole Respondent.

CORAM : RAVINDRA V. GHUGE &  
S.G. CHAPALGAONKAR, JJ.  
DATED : 15.02.2024

PC :-

01. The Petitioner has putforth prayer clauses (B) and (C) as under :-  
“b) Notice dated 29.1.2024 issued by the Hon’ble Tahsildar may kindly be quashed and set aside.  
c) During the pendency and final disposal of the Writ Petition, operation of Notice dated 29.1.2024 issued by the Hon’ble Tahsildar may kindly be stayed and appropriate interim relief may kindly be granted in favour of Petitioner.”
02. The Petitioner before us is a borrower. The District Magistrate has already passed an order under Section 14 of the SARFAESI Act. The said order has been questioned before the learned Debt Recovery Tribunal. Under paragraph 6, prayer clauses (A) to (F) have been putforth before the Tribunal as under :-

“A. This Securitization Application may kindly be allowed.

B. To quash and set aside alleged Notice dated 06/01/2016 issued by the Respondent bank under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the said notice be declared as illegal, arbitrary and void-ab-initio and for that purpose issue necessary order.

C. To quash and set aside alleged possession Notice dated 29/01/2024 issued by the Respondent and the said notice be declared as illegal, arbitrary and void-ab-initio and for that purpose issue necessary order.

D. To quash and set aside the Order dated 29/08/2018 passed by the Hon’ble District Magistrate in Securitization Application No.56 of 2017 under Section 14 Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

E. To quash and set aside the entire action of the Respondent of taking physical possession of the secured assets and the same be declared as illegal, arbitrary and void ab-initio and for that purpose issue necessary order.

F. To direct the Respondent from making the loan account operational.”

03. The learned Advocate for the bank submits that by filing this Petition in this Court, the statutory authorities are threatened by the Petitioner that they should not touch the property, since a Writ Petition is filed.

04. The learned Advocate for the Petitioner sought a pass-over and submits on specific instructions that the Petitioner desires to withdraw this Petition.

05. In view of the above, **the Writ Petition is disposed off** as withdrawn.

**[S.G. CHAPALGAONKAR,J.]**

**[RAVINDRA V. GHUGE,J.]**