



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3654 OF 2024

BANK OF MAHARASHTRA THROUGH ITS AUTHORIZED OFFICER MR
HARIOM TRIVEDI

VERSUS

THE DISTRICT MAGISTRATE AND COLLECTOR AND ANOTHER

Mr. A. N. Sikchi, Advocate h/f Mr. V. R. Patil, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for the Respondent/State

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 10th April, 2024

PER COURT :-

1. An order passed by the District Magistrate under Section 14 of the The Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest, 2002 (for short, "SARFAESI") Act, on 29th August, 2018 has still not been executed on the spacious plea that the Additional Tahsildar, Aurangabad was authorized to take the possession, when it should have been the Tahsildar, Paithan.

2. What we find from the record is that neither the Tahsildar has informed the Petitioner-financial institution that he cannot exercise his powers, nor has he conveyed this fact to the District Collector, Aurangabad. What is conveyed to us, on oral instructions by the learned AGP, is that the steps would be taken in 30 days.

3. The learned AGP submits, on instructions, that Tahsildar, Paithan has to execute the said order and a slight correction in the order dated 29th August, 2018, in clause 2 of the operative part, will have to be carried out by the District Collector.

4. By recording the said statements, **this Writ Petition is disposed off** with the following directions:-

(a) The District Magistrate, Aurangabad would delete the words 'Additional Tahsildar, Aurangabad' and replace the same with the words 'Tahsildar, Paithan', in the third line under clause 2 of the order, within 7 days.

(b) After the above correction, the Tahsildar, Paithan shall ensure that the due process laid down in law is followed and the order of the District Collector is executed within 30 days.

(c) If required, the Tahsildar would take the assistance of Police protection and we direct the Police Authorities to extend adequate protection and cooperation.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp