



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3646 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Ms. Neha Kamble, AGP for the Respondent/State

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75 WRIT PETITION NO. 3659 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. D. R. Korade, AGP for the Respondent/State

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76 WRIT PETITION NO. 3660 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. R. S. Wani, AGP for the Respondent/State

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77 WRIT PETITION NO. 3661 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. R. K. Ingole, AGP for the Respondent/State

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78 WRIT PETITION NO. 3662 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS

VERSUS

THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHER

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for the Respondent/State

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79 WRIT PETITION NO. 3663 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS

VERSUS

THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. P. K. Lakhotiya, AGP for the Respondent/State

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87 WRIT PETITION NO. 3672 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS

VERSUS

THE STATE OF MAHARASHTRA TAHSILDAR AHMEDNAGAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. D. R. Korade, AGP for the Respondent/State

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89 WRIT PETITION NO. 3674 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED

OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Ms. Neha Kamble, AGP for the Respondent/State

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90 WRIT PETITION NO. 3675 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. R. S. Wani, AGP for the Respondent/State

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91 WRIT PETITION NO. 3676 OF 2024

MOTILAL OSWAL HOME FINANCE LIMITED THROUGH ITS AUTHORISED
OFFICERS
VERSUS
THE STATE OF MAHARASHTRA TAHSILDAR AND OTHERS

Mr. S. S. Deshpande, Advocate for the Petitioner
Mr. R. K. Ingole, AGP for the Respondent/State

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

DATE : 10th April, 2024

PER COURT :-

1. All these matters are identical. The Petitioners are the same financial institution. In all these matters, an order under section 14 of

the SARFAESI Act was passed by the District Magistrate. The direction to take over the physical possession of the property, was executed by the Tahasildar and the physical possession of all the mortgaged properties were handed over to the Petitioners, which is visible from the chart here below:-

Writ Petition No.	Date Section 14 order	Date of possession by petitioner	Date of Application to District Magistrate after illegal dispossession
WP/3660/2024	09.07.2020	11.02.2021	29.02.2024
WP/3661/2024	29.05.2019	25.06.2019	29.02.2024
WP/3662/2024	15.07.2019	18.09.2019	29.02.2024
WP/3646/2024	11.12.2019	08.02.2021	29.02.2024
WP/3676/2024	03.09.2019	13.02.2020	29.02.2024
WP/3675/2024	26.11.2019	18.09.2023	29.02.2024
WP/3659/2024	30.07.2020	29.09.2021	29.02.2024
WP/3663/2024	12.12.2020	14.03.2021	29.02.2024
WP/3672/2024	04.06.2019	17.07.2019	29.02.2024
WP/3674/2024	04.06.2019	24.07.2019	29.02.2024

2. The learned Advocate for the Petitioners has taken instructions and submits that proper guards were not installed by the Petitioners to protect and guard the property after the physical possession was handed over to the Petitioners. In some cases, it was after two years and in some cases, it was after five years that the borrower has forcibly seized the property. Police complaints have been

lodged by the Petitioners and the police is also not assisting the Petitioners.

3. The learned Advocate for the Petitioners submits, on instructions, that in the facts and circumstances as noted above, the Petitioners would once again move an Application under Section 14 to the District Magistrate under the SARFAESI Act, to assist the secured creditor in taking position of the secured assets.

4. We find that the Division Bench of the Andhra Pradesh High Court has concluded in *M/s. Sri. Balaji Centrifugal Castings Vs. M/s ICICI Bank Limited, (2018) SCC Online, Hyd 368*, that there is no bar to the secured creditor in maintaining more than a single application under Section 14(1) of the SARFAESI Act for securing the possession of the very same secured assets. A similar view has also been taken by the High Court of Kerala in *A. A. Kumaran V. Superintendent of Police, Thissur and Ors. in WP(C) No. 5875 of 2022 dated 18/05/2022*. The Division Bench of this Court has passed an order on 24th February, 2022 in *Writ Petition No. 8674 of 2021* filed by *Bank of Baroda Vs. The State of Maharashtra and Ors.*, issuing directions to the District Magistrate to entertain the second application under Section 14 of the SARFAESI Act.

5. The learned Advocate for the Petitioners submits that the

Petitioners have already filed second applications with reference to each of these mortgaged properties, under Section 14 of the SARFAESI Act.

6. In view of the above, **all these Writ Petitions are disposed off** with a direction to the District Magistrate to decide the applications within a statutory period of 30 days as is prescribed in law (Section 14).

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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