

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1272 OF 2024

Abhyudaya Co-op Bank Ltd & Anr ..Petitioners

Versus

The State of Maharashtra & Ors ..Respondents

***Mr.Nikhil Rajani i/b V. Deshpande, Advocates for the
Petitioners.***

***Mr.A. I. Patel, Addl.G.P., with Ms.M. S. Bane, AGP, for
the Respondent/State.***

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : APRIL 2, 2024

P.C.

The facts in the present case are in a very narrow compass. Initially, an order was passed under Section 14 of the SARFAESI Act, 2002 by the District Magistrate, Pune dated 19th October, 2022 under which the Petitioner bank was entitled to take physical possession of the secured asset, namely Plot No.58, 59/22, admeasuring about 945 sq.mtrs., Block-D-II, Pimpri Industrial Area of MIDC, Pune with factory building standing thereon (for short “***the secured asset***”).

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2 Pursuant to the order passed by the District Magistrate, physical possession of the secured asset was handed over to the Petitioner bank on 19th December, 2023. Immediately thereafter, on the very next date, the borrowers trespassed into the secured asset and dispossessed the Petitioner bank. Being aggrieved by this action, the Petitioner bank filed an FIR before the Pimpri Police Station being FIR No.1220 of 2023. Pursuant to the aforesaid FIR, Pimpri Police Station have dispossessed the borrowers and have sealed the secured asset. However, the same has not been handed over to the Petitioner Bank as the Pimpri Police Station requires an order from the Court directing them to handover the secured asset to the Petitioner bank.

3 Since this is the narrow compass of the present matter, we dispose of the Writ Petition by directing the Pimpri Police Station to desal the secured asset and hand over physical possession thereof to the Authorized Officer of the Petitioner bank on 16th April, 2024 at 11.00 a.m. The Authorized Officer of the Petitioner bank shall also remain present on the said date at site to take physical possession of the secured asset from the Pimpri Police Station.

4 The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

5 Though we have disposed of the Writ Petition, we place it on Board “for reporting compliance” on 17th April, 2024.

6 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]