

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6109 OF 2024

Bajaj Housing Finance Ltd

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

Mr. R.L. Motwani, *Advocate for the Petitioner.*

Mr. A.I. Patel, Addl.GP, a/w T.D. Goswami, AGP, for
Respondent-State.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : APRIL 23, 2024

PC :

1. The above Writ Petition is filed *inter alia* seeking a direction to Respondent Nos.1 and 4 to execute the order dated 11th October, 2023 passed by the District Magistrate, Thane under Section 14 of the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interests Act, 2002. The secured asset of which possession is to be taken is Flat No.304, 3rd floor, Building No.A-1, Shubham Residency, Parsik Nagar, Mumbai Pune Highway, Gut No.58, Village Kharegaon, Kalwa East, Thane – 400 605.

Digitally
signed by
ASHWINI
JANARDAN
VALLAKATI
Date:
2024.04.24
10:48:31
+0530

Ashwini Vallakati

2. Considering that this is the limited relief sought in the above Writ Petition, we dispose of the Writ Petition by directing Respondent No.2 to take physical possession of the secured asset on 10th May, 2024 at 11:00 a.m.. The notice of the date of taking possession of the secured asset shall be immediately served by the Tehsildar on the borrowers informing them that possession shall be taken on 10th May, 2024 at 11:00 a.m.. For the purposes of ensuring that physical possession is taken on the said date, the Senior Police Inspector of the local Police Station is directed to provide all police assistance to the Tehsildar (including deputing adequate number of police personnel) to assist the Tehsildar in taking physical possession of the secured asset and thereafter handing over the same to the Authorised Officer of the Petitioner. All necessary costs, charges and expenses for the said police assistance shall be paid by the Petitioner. We make it clear that if for any reason, the police protection is not provided, we will not hesitate to hold the concerned Senior Police Inspector in contempt.

3. We may further clarify that this order of taking possession on 10th May, 2024 is subject to any order that may be passed by the Debts Recovery Tribunal (“DRT”), if approached by the borrowers. In other words, the DRT is free to restrain the Petitioner-NBFC from taking

physical possession of the secured asset if it finds any merit in the case advanced before it by the borrowers.

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 the same on board for reporting compliance on 10th June, 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.]