

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13590 OF 2023

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Punjab National Bank

.. Petitioner

Versus

1. The District Magistrate
& 8 Ors.

...Respondents

Ms.Sushmita Chauhan i/b Intralegal, Advocate for Petitioner.

Ms.Dhruti Kapadia, AGP for Respondent Nos.1, 2 and 9-State.

Mr.Saleel Borwankar, Advocate for Respondent Nos.3 to 6.

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

DATE : MARCH 20, 2024.

P C:

1. The above Writ Petition is filed seeking the following reliefs :

(a) Direct the Respondent Nos. 1 and 2 to comply with the order passed u/s 14 of SARFAESI Act dated 18.02.2022 within a reasonable time.

(b) Direct Respondent Nos.1 and 2 to take physical possession of scheduled property with assistance of police on behalf of the Petitioner as per SARFAESI Act on 16.09.2022 as per the notice issued by the Respondent No.2.

2. When this matter is called out, we are informed that physical possession of the secured asset is to be taken on 27th March 2024. The borrowers, namely Respondent Nos. 3 to 6 are also present in Court today. We, therefore, direct that physical possession of the secured asset shall be taken by Respondent No.2 (The Tehsildar, Haveli) on 27th March 2024 at 11:00 a.m. The Senior Inspector of Police of the local police station shall give all necessary assistance (including deputing adequate number of police personnel) to the Tehsildar (Haveli) to ensure that physical possession of the secured asset is taken on 27th March 2024 at 11:00 am, and thereafter handed over to the Petitioner-Bank, failing which the said Senior Police Inspector shall be liable for contempt.

3. It is needless to clarify that this order of taking possession will be subject to any order passed by the Debt Recovery Tribunal (“DRT”), if approached by the borrowers and/or any other aggrieved party. In other words, if the DRT is approached and any stay is granted by the DRT, then physical possession shall not be taken pursuant to this order.

4. We may further hasten to add that we have not opined on the merits of the matter which shall be decided by the DRT, if approached either by the borrowers or any other aggrieved party.

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

6. Though we have disposed of the above Writ Petition, we place it on Board for reporting compliance on 28th March 2024.

7. 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.]