
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 375 OF 2024

LAXMI
SUBHASH
SONTAKKE

IIFL Home Finance Ltd.

.. Petitioner

Versus

Digitally signed by
LAXMI SUBHASH
SONTAKKE
Date: 2024.01.17
11:09:36 +0530

The State of Maharashtra & Ors.

.. Respondents

Mr. Shashank N. Fadia *for the Petitioner.*

Mr.A. I. Patel, Addl. GP a/w M. S. Bane, AGP *for the Respondent Nos. 1 to 4.*

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

DATE : JANUARY 15, 2024

P. C.

1. The learned Advocate appearing on behalf of the Petitioner tendered a draft amendment. The amendment basically sought is to substitute the Superintendent of Police with the Commissioner of Police in the cause title, as well as a change in the address. The draft amendment tendered is taken on record and marked 'X' for identification.

2. The Petitioner is permitted to amend the Petition in front of the Associate as per the draft handed in. Re-verification is dispensed with.

3. The above Writ Petition is filed seeking a direction to Respondent No.3 to execute and implement the order dated 29th March, 2022 passed by the District Magistrate, Palghar under Section 14 of the SARFAESI Act, 2002 and handover physical possession of the secured assets [more particularly described in **Exhibit-A** of the Petition] to the Petitioner. For the sake of convenience, the details of the secured assets of which physical possession is to be taken is reproduced hereunder:

- i. Flat Nos. 401, 4th Floor, Building No.-R, Type Z-1, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- ii. Flat No. 402, 4th Floor, Building No.-R, Type Z-1, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- iii. Flat No. 403, 4th Floor, Building No.-R, Type Z-1, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- iv. Flat No. 404, 4th Floor, Building No.-R, Type Z-1, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- v. Flat No. 001, Building No.-W, Type 1-4A, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*

- vi. Flat No. 003, Building No.-W, Type 1-4A, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- vii. Flat No. 004, Building No.-W, Type 1-4A, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- viii. Flat No. 304, 3rd Floor, Building No.-R, Type Z-1, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- ix. Flat Nos. 401, 4th Floor, Building No.-W, Type 1-4A, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- x. Flat No. 402, 4th Floor, Building No.-W, Type 1-4A, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- xi. Flat No. 402, Building No.V. Type Q-1, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*
- xii. Flat No. 101, 1st Floor, Building No.W, Type 1-4A, 'Rashmi's Pink City-1' Juchandra, Near Don Bosco School, Naigaon, Vasai (East), Tal. Vasai, Dist. Palghar 401208;*

4. The learned AGP appearing for all the Respondents stated that physical possession of the above mentioned secured assets is to be taken on 17th January, 2024 and notice of the same has already been served on all the concerned parties including the borrower. He has stated that on the said date, physical possession of the secured assets would be taken and handed over to the Authorized Officer of the Petitioner.

5. In view of the statement made by the learned AGP, the following order is passed:

a) Respondent No.3 shall take physical possession of the above mentioned secured assets on 17th January, 2024 at 11 am.

b) The Senior Police Inspector of the local Police Station shall give all necessary assistance to Respondent No.3 [including deputing adequate number of police personnel] so that Respondent No.3 can take physical possession to the secured assets and hand over the same to the Authorized Officer of the Petitioner, failing which the concerned Senior Police Inspector shall be liable for contempt. All costs, charges and

expenses payable for the aforesaid police assistance shall be paid by the Petitioner.

c) The Authorized Officer of the Petitioner shall also remain present on 17th January, 2024 at 11.00 am to take physical possession of the above mentioned secured assets from Respondent No.3.

6. The above Writ Petition is disposed of in the aforesaid terms. No order as to costs.

7. Though we have disposed of the above Writ Petition, considering that physical possession of the secured assets has to be taken on 17th January, 2024, we now place the above Writ Petition on board for reporting compliance on 19th January, 2024.

8. 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.]

Page 5 of 5
JANUARY 15 2024