
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.431 OF 2024

SVC Co-Operative Bank Ltd. & Anr. Petitioners

Versus

The State of Maharashtra & Ors. Respondents

Mr. Nikhil Rajani *i/b. V. Deshpande & Co., Advocate for
Petitioners.*

Mr. A.I. Patel *a/w. Mrs.M.S. Bane, AGP for Respondent-State.*

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

DATE : JANUARY 16, 2024

P. C.

1. Mentioned. Taken out of turn.
2. The above Writ Petition is filed seeking a direction to Respondent No.2 to execute and implement the order dated 29th August, 2008 passed by the District Magistrate, Thane under Section 14 of the SARFAESI Act, 2002.
3. We have failed to understand why this order has not been implemented for a period of approximately 16 years. Be that as it may, we direct that the Tehsildar, Thane/Respondent No.2 shall take physical possession of the secured assets which form the subject

matter of the Section 14 Order [more particularly described in Exhibit-A of the Petition] to the Petition. For the sake of convenience, the details of the secured assets of which physical possession is to be taken is reproduced hereunder:-

1) Land and building situated on Final Plot No.207, TPS No.1, admeasuring at about 500 sq.ft. out of 1400 sq.ft. on the property known as Mani Baug, L.B.S.Road, Damani Estate, Naupada, Village Panchpakhadi, Thane (W) with Plant and machinery installed therein.

2) Land and building situated on Final Plot No.207, TPS No.1, admeasuring at about 500 sq.ft. out of 900 sq.ft. on the property known as Mani Baug, L.B.S.Road, Damani Estate, Naupada, Village Panchpakhadi, Thane (W) with Plant and machinery installed therein.

4. To ensure that Respondent No.2 is in a position to take physical possession of the secured assets, we direct the Senior Police Inspector of the local Police Station to give all necessary assistance to Respondent No.2 [including deputing adequate number of police personnel] so that Respondent No.2 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 Petitioners.

5. The Authorized Officer of the Petitioners is also directed to remain present at site on 9th February, 2024 at 11.30 a.m. so that physical possession of the secured assets can be handed over to the Authorized Officer of the Petitioners.

6. Respondent No.2 shall immediately issue a notice to the borrowers informing them that possession of the secured assets will be taken on 9th February, 2024. Respondent No.2 shall also forward a copy of this order alongwith the notice.

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

8. Though we have disposed of the above Writ Petition, we now place the above Writ Petition on board on 13th February, 2024 for reporting compliance.

9. 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.]