
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.348 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 31st July, 2012 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 12 years. Be that as it may, we direct that the Tehsildar, Thane/Respondent No.2 shall take

physical possession of the secured assets, namely, B-11, Flat No.402, admeasuring at about 560 sq.ft., Built up, Apurva Co-Operative Housing Society Ltd., Sector 7, Shanti Nagar, Mira Road, District Thane 401 107 on 6th February, 2024 at 11.30 a.m.

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 6th 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 6th 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 7th 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.]