

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2541 OF 2024

TJSB Sahakari Bank Ltd., Thane .. Petitioner
Vs.
State of Maharashtra,
Through General Administration Dept. and Ors. .. Respondents

Mr. Aadesh M. Patil, Advocate for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader with Mr. N.K. Rajpurohit, Assistant Government Pleader for Respondent Nos.1 to 4.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 18TH SEPTEMBER 2024

PC. :

1. The grievance raised by the petitioner – Bank in the present writ petition is that pursuant to an order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*“Act of 2002”*) on 30th October 2023, possession of the secured assets was delivered on 12th July 2024. The respondent nos.5 to 8 however re-entered into possession of the said secured assets illegally. The Bank therefore lodged F.I.R. No.0410 of 2024 on 16th July 2024 with Police Station, Chikhali, Dist. Pimpri-Chinchwad. The Bank has filed this writ petition seeking direction to be issued to the Tahsildar to re-deliver possession of the secured assets.

2. Having heard learned counsel for the petitioner as well as learned Additional Government Pleader for respondent nos.1 to 4, we find that the issue raised in this writ petition is concluded by the decision of this Court

in *Nashik Merchant Co-operative Bank Vs. District Collector, Jalna and Ors.*, AIR 2023 Bombay 181. It has been held that re-execution of an order passed under Section 14 of the Act of 2002 can be undertaken in such circumstances.

3. Hence, for reasons assigned in the decision in *Nashik Merchant Co-op. Bank (supra)*, the writ petition is disposed of in terms of amended prayer clause A/1, which reads as under :-

“(A/1) This Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction and direct the respondent nos.3 and 4 to re-execute order passed by the respondent no.1 and restitute the possession of the secured assets to the petitioner forthwith.”

4. The order passed under Section 14 of the Act of 2002 shall be executed within a period of thirty days from today.

5. The parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]