

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

WRIT PETITION NO.11283 OF 2024

Janaseva Sahakari Bank (Borivli) Ltd., Borivali, Mumbai	.. Petitioner
Vs.	
The State of Maharashtra and Ors.	.. Respondents

Mr. Shreesh Oak, Advocate, i/by SC Legal, for the Petitioner.
Smt. M.S. Srivastava, Assistant Government Pleader for the Respondents.

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

DATE : 19TH AUGUST, 2024.

PC. :

1. It is submitted by the learned counsel for the petitioner that pursuant to the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Tahsildar / Executive Magistrate has scheduled the delivery of possession on 20th September 2024. He has however directed the Circle Officer to take steps to handover possession to the petitioner. It is submitted that it is not permissible for the Tahsildar to sub-delegate his authority to take such steps in view of the fact that the Tahsildar himself acts as deligatee of the Collector. Reliance is placed on the decision in *Anand Rathi Global Finance Ltd. Vs. State of Maharashtra and Anr., 2022 SCC OnLine Bom 4837*.
2. The learned Assistant Government Pleader appearing for the respondents to obtain necessary instructions in this regard, especially in the light of aforesaid judgment.
3. Put up for further consideration on 3rd September 2024.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]