

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12195 OF 2024

Late Shri Sahebrao Marutirao Patil

Since deceased & Ors.

..... Petitioners

VERSUS

Dr. Annasaheb Chougule Urban

Co-operative Bank Ltd & Ors.

..... Respondents

Mr. V. V. Chandravale for the Petitioners.

Mr. Aayush Kothari a/w. Mr. Nikhil Rajani i/b. M/s. V.Deshpande
& Co. for the Respondent No.1.

Mr. B. V. Samant, Additional G.P. for the State.

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

DATE : 29th AUGUST, 2024

P.C. :-

One of the contentions raised by the learned counsel for the petitioners is that pursuant to the order passed by the Debts Recovery Appellate Tribunal, a notice dated 2nd July 2024 has been issued by the Circle Officer intending to take possession of the subject property tomorrow.

2. *Prima facie*, the order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 having been passed by the District Magistrate, it is only the Tahsildar on whom such powers can be delegated. The notice dated 2nd July 2024 issued by the Circle Officer under sub-delegation from the Tahsildar would be defective. Hence, by an interim order it is directed that the said notice dated 2nd July 2024 shall not be acted upon.

3. Stand over to 19th September 2024 for further consideration with liberty to apply.

4. In the meanwhile, it is open for the respondent no.4 to issue a fresh notice to the petitioners in that regard. The respondent no.1 to file its affidavit in reply in the meanwhile.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]