



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.566 OF 2020

Umesh Kumar s/o Shankarlal Sharma, Priyadarshani Colony, Near RTO, Civil Lines, Nagpur

-VS-

State of Maharashtra, Thr. Secretary, Ministry of Home Affairs, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Bhushan Mohata, Advocate for petitioner.

Ms Deepali Sapkal, Assistant Government Pleader for respondent Nos.1 to 3 and 6.

Shri R. N. Borwankar, Advocate for respondent no.5.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : January 03, 2024

1. Shri Bhushan Mohata, learned counsel for the petitioner informs no instructions.
2. Vide impugned order dated 20/05/2019 the respondent No.2 in exercise of powers conferred under the provisions of Section 14(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act of 2002) directed the Tahsildar to take possession of the immovable property mentioned therein and hand it over to the respondent-Bank. The petitioner is claiming to be the tenant in the said property.
3. We have perused the grounds in the petition. Though the learned counsel for the petitioner informs that he has no instructions from the petitioner, perusal of record indicates that the petitioner is claiming his right to continue in possession based on tenancy. In such an eventuality, if the petitioner has any legal or statutory right, he can

move against the landlord. He cannot seek stay to the possession as initiated under the Act of 2002. We hardly see any locus in the petitioner to challenge the impugned order before this Court.

4. Apart from above vide order dated 28/01/2020 this Court had granted liberty to the petitioner to approach the Debt Recovery Tribunal for redressal of grievance based on his possession as tenant in respect of the property in question. We are not informed steps if any are taken by the petitioner in pursuance of the said order.

5. It is seen from the above conduct of the petitioner that the petitioner was successful in stalling execution of the impugned order for about four years.

6. For aforesaid reasons, the writ petition stands dismissed.

No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)