



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

59 WRIT PETITION NO. 2637 OF 2025

MOTILAL OSWAL FAINEANCE LIMITED AUTHORIZED OFFICER SYED
SALMAN ANWAR SHAKER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Choure Balasaheb Saheb
AGP for Respondent/State : Mr. R.K. Ingole

...

60 WRIT PETITION NO. 2638 OF 2025

MOTILAL OSWAL FAINEANCE LIMITED AUTHORIZED OFFICER SYED
SALMAN ANWAR SHAKER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Choure Balasaheb Saheb
AGP for Respondent/State : Mr. R.K. Ingole

...

62 WRIT PETITION NO. 2648 OF 2025

MOTILAL OSWAL FAINEANCE LIMITED AUTHORIZED OFFICER SYED
SALMAN ANWAR SHAKER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Choure Balasaheb Saheb
AGP for Respondent/State : Mr. R.K. Ingole

...

79 WRIT PETITION NO. 2730 OF 2025

MOTILAL OSWAL FAINEANCE LIMITED AUTHORIZED OFFICER SYED
SALMAN ANWAR SHAKER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Choure Balasaheb Saheb
AGP for Respondent/State : Mr. R.K. Ingole

...

CORAM : MANGESH S. PATIL &

PRAFULLA S. KHUBALKAR , JJ.

DATE : 25.02.2025

PER COURT :

Heard learned advocate for the petitioner in all these petitions, as also the learned A.G.P

2. The petitioner is the secured creditor, who has lost possession in spite of the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) was executed and the possession was delivered. It is now seeking reexecution of the order passed by the District Magistrate under Section 14 of the SARFAESI Act, in light of the several decisions of the division benches of this Court in following matters :

- 1) Writ Petition No. 10069/2024 (Nashik Merchand Co-Operative Bank Vs. District Collector, Jalna).
- 2) Writ Petition No. 289/2024 (State Bank of India Vs. State of Maharashtra).
- 3) Writ Petition No. 13691/2024 (Motilal Oswal Home Finance Ltd. Vs. State of Maharashtra).
- 4) Writ Petition No. 3646/2024 (Motilal Oswal Home Finance Ltd. Vs. State of Maharashtra)

3. Considering the consistent view of different division benches of this Court, the writ petitions are allowed with a direction to respondent nos. 1 to 3 to undertake execution of the order passed by respondent no. 1 under Section 14 of the SARFAESI Act.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-