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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

63 WRIT PETITION NO. 2960 OF 2025

CAPRI GLOBAL CAPITAL LTD., THROUGH ITS AUTHORIZED
PERSON VISHAL VILAS CHAVAN

VERSUS

1. THE DISTRICT COLLECTOR JALGAON
2. THE SUPERINTENDENT OF POLICE, JALGAON
3. THE TAHSILDAR, AMALNER, JALGAON

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Mr Harshad H. Padalkar, Advocate for petitioner

Mr M. M. Nerlikar, Addl.G.P. for respondents/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 4th March, 2025

PER COURT:

1. Leave is granted to amend the prayer clause and petition as well. Amendment be carried out forthwith.

2. The petitioner is a secured creditor, who had recovered possession in execution of the order passed by the District Magistrate under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), however, lost its possession. The borrowers have broken the lock and entered into possession for which the prosecution has been launched. The petitioner is now seeking execution of the order passed

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by the District Magistrate under Section 14 of the SARFAESI Act in the light of several decisions, viz. :-

(a) The Nashik Merchant Co-operative Bank Vs. District Collector, Jalna, decided on 28/02/2023 in Writ Petition No.10669/2022;

(b) Bank of Baroda Vs. The State of Maharashtra & ors., decided on 24/02/2022 in Writ Petition No.8674/2021;

(c) M/s Sri. Balaji Centrifugal Castings Vs. M/s ICICI Bank Ltd, (2018) SCC Online Hyd 368 (High Court of Andhra Pradesh)

(d) A. A. Kumaran Vs. Superintendent of Police, Thrissur and Ors in WP (C) No.5875/2022, dated 18/05/2022 (High Court of Kerala) and

(e) Smt. Mishri Bai w/o Late Shri Nirmal Kumar and others Vs. Shubh Laxmi Mahila Cooperative Bank Ltd. (High Court of Madhya Pradesh.

3. The writ petition is allowed. Respondent/Tahsildar shall execute the order passed by the District Magistrate under Section 14 of the SARFAESI Act and reinstate the petitioner with possession of secured assets, as expeditiously as possible and in any case within a period of six weeks.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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