



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3561 OF 2025

MOTILAL OSWAL HOME FAINEANCE LIMITED
AUTHORIZED OFFICER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

- Mr. Choure Balasaheb Saheb, Advocate for the Petitioner
- Ms. P. J. Bharad, AGP for Respondent Nos. 1 and 2

...

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 21.04.2025

PER COURT :

. Learned advocate for the petitioner seeks leave to delete respondent Nos. 3 and 4.

2. Leave is granted at the peril of the petitioner.

3. Necessary amendment to be carried out forthwith.

4. We have heard learned advocate for the petitioner as also learned AGP for respondent Nos. 1 and 2.

5. It is a matter of execution of the order passed by the District Magistrate in purported exercise of powers under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

The issue is as to if a writ of mandamus would lie, directing the District Magistrate and his subordinates to implement the order once having already been implemented and the possession of the secured assets have been handed over/delivered to the secured creditor.

6. The issue, if no longer *res integra* in light of consistent views taken by different High Courts, including this one. A copy of one such order has been annexed to the petition in the petitioners matter bearing writ petition No. 2637 of 2025 with connected matters, decided on 25.02.2025, which, in turn, refers to the earlier orders passed by this Court in similar matters.

7. In light of above, the writ petition is allowed and disposed of directing respondent Nos. 1 and 2 to take appropriate steps and execute the order passed by the District Magistrate under Section 14 of the SARFAESI Act, 2002, the cost of which shall be borne by the petitioner, in accordance with rules.

8. If the compliance is made by the petitioner, the execution shall be done as expeditiously as possible and in any case within six weeks, if there is no other legal impediment.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/