



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

933 WRIT PETITION NO. 7904 OF 2025

**JANA SMALL FINANCE BANK LTD THROUGH
ITS AUTHORIZED OFFICER**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

937 WRIT PETITION NO. 7908 OF 2025

**JANA SMALL FINANCE BANK LTD THROUGH
ITS AUTHORIZED OFFICER**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

973 WRIT PETITION NO. 7963 OF 2025

**JANA SMALL FINANCE BANK LTD THROUGH
ITS AUTHORIZED OFFICER**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

974 WRIT PETITION NO. 7964 OF 2025

**JANA SMALL FINANCE BANK LTD THROUGH
ITS AUTHORIZED OFFICER**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner in all WPs : Mr. Balasaheb Saheb Choure
Addl. G.P. for Respondents/State in all WPs: Mr. M.M. Nerlikar

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**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 03.07.2025

PER COURT:

1. These four petitions have been filed by Jana Small finance Bank Limited claiming identical reliefs.
2. The Petitioner had obtained orders in its favour under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, on different dates. Pursuant thereto, the Petitioner was put in possession of the subject properties. Thereafter, the borrowers in these cases encroached upon the subject properties and dispossessed the Petitioner, who is a secured creditor. In this situation, the Petitioner was constrained to again move the District Magistrate for appropriate action to put back the Petitioner in possession, for the reason that the blatant illegal activity of the borrowers has resulted in frustrating the orders passed in the favour of the Petitioner under Section 14 of the SARFAESI Act.
3. The learned counsel for the Petitioner relies on order dated 27.08.2024 passed in *Writ Petition No.7721/2024 (Motilal Oswal Home Finance Limited Through its Authorized Officer Vs. The State of Maharashtra and others)*, wherein, an identically situated petitioner had approached this Court and this Court had disposed of the writ petition giving specific directions to the Respondents, including the District Magistrate to take immediate action to put back the petitioner therein in possession of the subject property.
4. It is also to be noted that a division bench of this Court at the

Principal Seat in the case of **State Bank of India Vs. State of Maharashtra and others**, (Order dated 17.01.2024 in Writ Petition No.289/2024) had also taken a serious view in the matter and directed that in such cases prompt action is to be taken by the authorities to ensure that parties like the petitioner herein are not put to any further inconvenience by the blatant illegal acts of the borrowers.

5. We are satisfied that in the present case the Petitioner has made out a strong case in its favour for disposal of the writ petition by issuance of appropriate directions to the respondents to immediately put the petitioner in possession of the subject properties, which have been illegally encroached upon by the borrowers.

6. In view of the above, the petitions are disposed of by directing the District Magistrate and the Tahsildar to take immediate action for placing the Petitioner back in possession of the subject properties by throwing out the borrowers and others who have encroached upon the said properties. The action be completed expeditiously and in any case within one week from today. The Petitions stand disposed of.

7. The Respondent - Superintendent of Police is directed to give adequate protection to the personnel who execute the order of this Court, so that there is no impediment in execution of the order.

8. Considering the fact that such cases are being frequently filed before this Court, the Petitioner is directed to take appropriate

measures to protect its possession, once it is put back in possession by the respondents in pursuance of the order passed in its favour.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)

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