



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

**26 WRIT PETITION NO. 7744 OF 2025
WITH WRIT PETITION NO. 7748 OF 2025
WITH WRIT PETITION NO. 7745 OF 2025
WITH WRIT PETITION NO. 7747 OF 2025
WITH WRIT PETITION NO. 7746 OF 2025**

**MOTILAL OSWAL HOME FINANCE LTD.,
THR ITS AUTHORISED OFFICERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

.....
Advocate for the Petitioner/s : Mr. Deshpande Shreyas Sanjeev,
Athrva Makrand Pathak, Naveen Arora
AGP for Respondents/State : Mr. S.P. Sonpawale
.....

**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 11th August, 2025**

PC. :-

1. In these petitions the Petitioner is a Non-banking Financial Company engaged in the business of providing loans.
2. The grievance of the Petitioner in these petitions is that after it was constrained to take action against defaulting borrowers under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), orders were

passed under Section 14 thereof. The said orders were executed and the Petitioner was put in possession of the subject properties in accordance with law.

3. The grievance of the Petitioner is that subsequently the borrowers illegally trespassed upon the said properties and dispossessed the Petitioner. It is in this backdrop that the Petitioner is constrained to move this Court in these writ petitions seeking a specific direction that it be put in possession of the secured assets and for that purpose the Respondent/Authorities should provide police protection.

4. Reliance is placed on judgments of this Court in the cases of Nashik Merchant Co-operative Bank V/s. Ther District Collector Jalna and Ors. (Order dated 28.02.2023 passed in Writ Petition No.10069/2022) and Kotak Mahindra Bank Ltd. & Anr. V/s. State of Maharashtra & Anr. (Order dated 30.06.2023 passed in Writ Petition No.6805/2023).

5. An important issue is noticed in these petitions. We are satisfied that the Petitioner has taken sufficient steps for service on the private Respondents. They have chosen not to appear before this Court.

6. In any case the documents and material placed on record show that the borrowers have indulged in blatant illegality by trespassing upon the lands which were secured in the possession of the Petitioner in pursuance of orders passed under Section 14 of the SARFAESI Act. Rule of law requires immediate directions to be issued to the Authorities, so as to put the Petitioner back in possession on the strength of the said orders. We are also of the opinion that the Respondent Nos.1 to 3 in these petitions ought to take immediate steps to ensure that possession of the subject properties is restored to the Petitioner.

7. In view of the above, all these petitions are allowed in terms of prayer clauses-B in the respective petitions.

8. The Respondent Nos.1 to 3 are directed to take immediate steps to provide police protection to the Petitioner to carry out the directions given herein-above. The Petitioner undertakes to deposit requisite charges for such police protection to be provided by the concerned authorities.

9. The instant order be executed within two weeks from today.

[Y.G. KHOBRAGADE, J.]

[MANISH PITALE, J.]