



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 7920 OF 2025

Au Small Finance Bank Ltd

VERSUS

The State Of Maharashtra

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Mr. Jajoo Mukul Vijaykumar, Advocate for the Petitioner

Mr. V. M. Kagne, AGP for Respondents State

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

DATE : 16th September, 2025

PER COURT :-

1. The petitioner in this petition is a Finance Bank. It has approached this Court for the reason that after an order passed by the District Magistrate, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, was executed and the petitioner had duly taken possession of the property belonging to borrowers i.e. Respondent Nos. 5 and 6, the said respondents again encroached upon the said property and as on today, the petitioner is deprived of possession of the said property.

2. We had issued notice in this petition. Learned AGP appears on behalf of Respondent Nos. 1 to 4. Affidavit of service shows that Respondent Nos. 5 and 6 have been served. One of the respondents has refused to accept the notice. Therefore, we treat it as good service.

3. We find that this is another example of rule of law being breached in a blatant manner by the borrowers i.e. Respondent Nos. 5

and 6. We find that unless appropriate directions are issued to Respondent nos. 1 to 4 to ensure that the petitioner is put back in possession, it would amount to a violation of the rule of law.

4. Therefore, the writ petition is allowed.

5. Respondent No.3-Executive Magistrate @ Tahsildar, Vaijapur, District Aurangabad as also the In-charge of the Police Station, Vaijapur District Aurangabad are directed to provide assistance to the petitioner to take possession of the said property from Respondent Nos. 5 and 6 within a period of 10 days from today.

6. Writ Petition is disposed of with the aforesaid direction. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

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