



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7925 OF 2025

Au Small Finance Bank Ltd

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. Jajoo Mukul Vijaykumar, for Petitioner.
- Mr. V. M. Kagne, AGP for Respondent Nos.1 to 4.
- Mr. D. B. Nikam, for Respondent Nos.5 to 7.

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

DATE : 20th SEPTEMBER 2025.

P. C. :

1. The petitioner is a small finance bank and a registered banking company, which had obtained an order from the respondent No.2 – District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), in the context of properties belonging to the borrowers i.e. respondent Nos.5, 6 and 7. The order was executed and the petitioner – Bank was put in possession of the property.

2. It is the case of the petitioner that thereafter, respondent Nos.5, 6 and 7 in a most illegal manner again encroached upon the

said property and therefore, the petitioner was constrained to approach the respondent authorities for relief.

3. Since the respondent Nos.5, 6 and 7 continue to encroach upon the said property, the petitioner is constrained to file the present writ petition.

4. The learned AGP appears on behalf of respondent Nos.1 to 4 and Mr. Nikam, learned counsel appears for respondent Nos.5, 6 and 7.

5. It is undisputed that after the petitioner – Bank was put in possession of the subject property in execution of an order passed under Section 14 of the SARFAESI Act, by the respondent No.2 – Magistrate, the respondent Nos.5, 6 and 7 in a blatant exhibition of violation of Rule of Law again encroached upon the said property. If the petitioner – Bank is not put back in possession of the said property, it would amount to continue violation of Rule of Law, which cannot be permitted.

6. This Court has been issuing directions in such petitions for placing the petitioners / financial institutions back in possession at the earliest, so that the majesty of Law is respected.

7. In view of the above, the petition is allowed. The respondent Nos.1 to 4 are directed to ensure that the petitioner – Bank is put back in possession of the subject property within a period of ten (10) days from today.

8. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)