



{1}

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

913 WRIT PETITION NO.13396 OF 2025

Union Bank of India
Through its Authorized Officer Ram Shankarrao Mhaske
Versus
The State of Maharashtra and Others

AND

914 WRIT PETITION NO.13398 OF 2025

Union Bank of India
Through its Authorized Officer Ram Shankarrao Mhaske
Versus
The State of Maharashtra and Others

.....

Mr. Yogesh Bolkar, Advocate h/f Mr. Atul A. Mishra for Petitioners in Both WPs
Mr. S.B. Pulkundwar, AGP for Respondents in WP/13996/2025
Mr. V.M. Kagne, AGP for Respondents in WP/13398/2025

.....

**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 11 DECEMBER, 2025

ORDER [Per Hiten S. Venegavkar, J.] :-

1. Both the present petitions instituted under Article 226 of the Constitution of India seek directions to the respondent authorities to take immediate and effective steps for restoration of possession of the secured assets described in the respective petitions. The petitioners further prayed for a direction to respondent to provide necessary police assistance for securing and restoring possession, asserting that such intervention has become indispensable in view of the circumstances tolerated before this Court.

{2}

2. The case of the petitioners, banking companies constituted under the Banking Companies (Acquisition and Transfer of Undertakings), Act 1970 is that loan facilities were sanctioned in favor of certain borrowers against the mortgage of immovable properties, duly created through registered mortgage deeds. Upon default in repayment, the borrower's loan accounts were classified as non-performing assets, and demand notices were issued to the borrowers and guarantors, calling upon them to clear the outstanding dues with interest. As the borrowers and guarantors failed to comply, the petitioners initiated the measures under Section 14 of the Securitization Act. Pursuant to the orders passed by the learned District Magistrate, physical possession of the secured assets was handed over to the petitioners in both matters.

3. The petitioners assert that although they lawfully obtained and retained possession of the secured assets, the borrowers and guarantors forcibly broke open the seals and locks placed by the petitioner bank and took illegal possession of the secured assets. When officers of the petitioner visited the premises, they found that the properties had been illegally trespassed upon and upon questioning the borrowers and guarantors, the said individuals became aggressive, assaulted the officers of the petitioner's bank, abused them, and drove them away. The petitioners thereafter approached the jurisdictional police stations

and offenses were registered against the individuals responsible for the said illegal acts. The petitioner submitted applications before the respondent authorities seeking restoration of possession of the secured assets; however, those applications remain pending without any decision or consequential action. According to the petitioners, the continued inaction of the authorities has compelled them to invoke the extraordinary jurisdiction of this Court.

4. Conversely, the learned AGP contends that this Court in exercise of jurisdiction under Article 226 ought not to issue direct order for restoration of possession, particularly when questions exist regarding whether the borrowers or guarantors have actually taken possession and whether such possession was forcible. It is argued that these are disputed questions of fact and must be examined by the competent authorities. The learned AGP further submits that in the precedents relied upon by the petitioners, the Court merely directed the Tahsildar or concerned authority to decide the applications for restoration but did not itself restore possession. Hence, a similar approach should be followed.

5. Having considered the submissions of both sides and having perused various orders of this Court in matters arising from comparable circumstances, this Court is of the view that it is neither necessary nor

{4}

appropriate at this stage to enter into the disputed factual aspects or the merits of the petitioner's allegation. What is required is a direction ensuring expeditious consideration of the petitioner's pending applications before the competent authorities. Once such applications are adjudicated upon, the authorities would be obliged to take consequential action in accordance with law, including restoration of physical possession to the secured creditors, if warranted.

6. Accordingly, both petitions are partly allowed with no order as to costs.

7. The respondent authorities are directed to decide the petitioner's pending applications for restoration of possession of the secured assets within a period of four weeks from the date of this order. Upon taking such decision, the authority shall, within one week thereafter, take necessary steps to hand over the possession of the secured assets to the petitioners by removing or evicting any persons found in occupation, who are not entitled in law to remain therein. Compliance shall be ensured in a manner consistent with statutory obligations and due process.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE