

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10714 OF 2025

Hinduja Housing Finance Limited.

...Petitioner.

Versus

The Superintendent of Police and Others.

...Respondents.

Mr. Mandar Lalsane (thr. V.C.) for the Petitioner.

Mr. R. P. Kadam, AGP for the Respondent-State.

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : December 10, 2025.

P. C. :

1. Petitioner is a secured creditor as defined under Section 2(1)(zd) (i) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, "**SARFAESI Act**"]. Respondent No.3 is the District Magistrate, Kolhapur.
2. Vide order dated 26th September 2024, Respondent No.3 directed the Circle Officer, Hatkangale to enforce the order made under Section 14 of the SARFAESI Act. It is submitted that order was enforced and possession was handed over to the Petitioner, however, borrowers trespassed on the secured asset.
3. It is the grievance of the Petitioner that Respondent Nos.1 and 2 are not registering offence for trespass over the secured asset, there is

failure on their part to restore the possession of secured asset to the Petitioner.

4. In such view of the matter, the Respondent No. 4 is directed to ensure that possession of secured asset is restored to the Petitioner within a period of eight weeks from the date of communication of this order. Respondent No.2 shall provide necessary police assistance to the Respondent No.4 for which the Petitioner is willing to pay the prescribed charges.

5. Needless to mention that appropriate action has to be taken by the concerned Respondents against the borrowers or against those who have committed trespass on the secured asset.

6. Petition is disposed of with aforesaid directions.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]