

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11948 OF 2025

ICICI Home Finance Company Ltd. & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Nikhil Rajani (Through V.C.) for the Petitioners.
Ms. T.J. Kapre, A.G.P. for the Respondent-State.

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

Date : 9th December 2025.

P. C. :

1. It is submitted by the learned counsel for the Petitioners that as many as on three occasions the possession of the secured assets was taken from the borrowers / occupiers and handed over to the Petitioners in compliance with the Order(s) passed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short, "**SARFAESI Act**"). However, the borrowers / occupiers have again trespassed into the secured assets.

- 2.** Learned counsel for the Petitioners submitted that the Petitioners are ready to pay the police protection charges for recovery of the possession of the secured asset.
- 3.** Accordingly, the Respondent No.4 so also the Tahsildar is directed to ensure that the possession of the secured assets is handed over to the Petitioners by taking appropriate action against the borrowers / occupiers within six weeks from today.
- 4.** This is the forth instance where the Petitioners have moved this Court for restoration of possession. We leave it open for the Petitioners to approach the concerned Authorities under the SARFAESI Act for appropriate reliefs or to move the Competent Court(s) for appropriate restraining Orders. It is also open for the Petitioners to move this Court seeking appropriate reliefs as may be permissible in law, in case the borrowers / occupiers trespass the property again.
- 5.** Learned A.G.P submits that upon a complaint being made by the Petitioners, the Respondents have registered F.I.R. for criminal trespass and other offences and the same is under investigation. Even the chargesheet has been filed.
- 6.** Further it is open for the Petitioners to approach the Respondent No.2 for necessary police protection to secure the property.

7. If an application is made to the Police Commissioner, the Respondent No.2 may examine the application and take appropriate action as may be permissible in law.
8. The Petitioners are of course at liberty to take such steps as may be permissible to secure the property against criminal trespass.
9. Petition is disposed of.
10. List the Petition on board on 13th February 2026, under the caption 'For compliance of the Order'.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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