

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11284 OF 2025

Ramesh Bandopant Lad	]	Petitioner
versus		
The State of Maharashtra and others	]	Respondents

.....

Mr. Nikhil Pawar, for Petitioner.

Mr. A.A. Naik, A.G.P, for Respondent – State.

.....

**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ**

DATE : 23rd SEPTEMBER, 2025.

P.C:

1. Heard Mr. Pawar, learned Counsel for the petitioner and Mr. Naik, learned A.G.P, for respondent – State.

2. Learned Counsel for the petitioner seeks leave to amend to implead Assistant Superintendent of the Court of Civil Judge, Junior Division, Ichalkaranji as party respondent No.5. Leave granted. Amendment to be carried out forthwith.

3. The petitioner is an auction purchaser. Respondent No.3 – The Bank of Maharashtra was a secured creditor in respect of secured asset which was

auctioned in favour of the petitioner. The petitioner was put in physical possession of the secured asset bearing R.S. No.540/A/A2 out of Plot No.7 admeasuring 1475.42 square meters situated at Ichalkaranji, Taluka Hatkanangale, District Kolhapur. However, on 27th July, 2022, the borrower illegally removed the seal fixed on secured asset and unlawfully entered into the secured asset. Therefore, respondent No.3 lodged an F.I.R bearing No.407 of 2022. Respondent No.3 moved an application bearing Criminal Miscellaneous Application No.1135 of 2024 under section 14 of the **Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002** in the Court of learned Chief Judicial Magistrate, Ichalkarani for taking physical possession of the secured asset. By an order dated 1st March, 2025, the learned Chief Judicial Magistrate, Ichalkaranji allowed the application and appointed the Assistant Superintendent of the Court of Civil Judge, Junior Division, Ichalkaranji as Court Commissioner with the assistance of respondent No.2 to take possession of secured asset. The petitioner has deposited the entire auction amount of Rs.1,60,20,000/- with respondent No.3 – The Bank of Maharashtra.

4. In support of his submission, learned Counsel for the petitioner relied upon the decision of this Court (Principal Seat) in the case of **Kotak Mahindra Bank Limited and another v/s State of Maharashtra and others in Writ Petition No.6805 of 2023 dated 30th June, 2023**.

5. In this view of the matter, the Assistant Superintendent of the Court of Civil Judge, Junior Division, Ichalkaranji who is appointed as Court Commissioner is directed to take possession of the secured asset within a period of ten weeks from today and hand over the same to the petitioner. An appropriate application may be made by the petitioner before the Court Commissioner. In case, Police force is required, an application be made to the Superintendent of Police, Kolhapur for necessary assistance. The In-charge of the Police Station shall extend possible co-operation and ensure that the petitioner is put back in possession on the scheduled date fixed. Learned Counsel for the petitioner undertakes to pay the police protection charges.

6. The petition is disposed of. No order as to costs.

7. Liberty to apply in case of difficulty.

8. The parties to act on the authenticated copy of this order.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]