



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9004 OF 2024

AU Small Finance Bank Limited ..Petitioner
vs.
State of Maharashtra and Ors. ..Respondents

Adv. Medha Rane i/b. Adv. Sanjay Anabhawane, for the
Petitioner.

Mr. N. C. Walimbe, Addl.G.P. a/w Tejas Kapre, AGP, for
Respondent Nos.1 to 5.

Adv. P. B. Gujar, for Respondent No.6 a/w Ms. Khushi
Pardeshi-party-in-person.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 9th JUNE, 2025

P.C. :

1. The Petitioner – AU Small Finance Bank Limited has
filed an application for restoration of possession before the
District Magistrate at Pune. According to learned counsel for
the Petitioner pursuant to the possession order issued on
the earlier occasion by the District Magistrate, the Tahsildar
issued possession notice dated 14th June 2023 and took
physical possession of secured asset on 13th July 2023 and

handed over the same to the Petitioner Bank. Thereafter, the Bank was in lawful possession of the said property as on 13th July 2023.

2. Learned counsel for the Petitioner submits that in the application which is at page 31 of the paper-book it is specifically mentioned that when the officer of the Bank visited the said property for regular verification of the property, it was revealed that the borrower/co-borrower broke open the lock of the Bank and entered into the said property illegally. The application for restoration of the possession was therefore made on 21st February 2024 which according to the learned counsel for the Petitioner is not yet decided. Learned counsel for the Petitioner submits that the said application needs to be decided expeditiously and that the District Magistrate has the necessary power to order restoration of possession in view of this Court's order dated 30th June 2023 in **Kotak Mahindra Bank Ltd. & Anr. vs. State of Maharashtra & Ors.**¹

3. The Petitioner is at a liberty to place this decision before the District Magistrate. In the facts of the present

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case we are inclined to direct the District Magistrate to decide the application dated 21st February 2024 which is at page 31 of the paper-book as expeditiously as possible and in any case within a period of four weeks from today. The District Magistrate shall take into consideration the decision of this Court in *Kotak Mahindra Bank Ltd. & Anr.* (supra) while making the order. It is open for the District Magistrate to issue appropriate directions in terms of prayer clause (e) of the Petition depending upon the decision of the Application.

4. The Writ Petition is disposed of.

5. Interim Application, if any, is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)