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

WRIT PETITION NO. 12321 OF 2024

Tata Capital Housing Finance Limited ... Petitioner
Versus
The State of Maharashtra and anr. Respondents

Mr. Nikhil Mehta i/b KMC Legal Venture, for the Petitioner.
Ms. A.A.Purav, AGP for the Respondents-State.

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

DATE : 19th JUNE, 2025

P.C. :

1. Heard learned counsel for the petitioner.
2. We have perused the orders passed by this Court from time to time on the basis of instructions of learned AGP that possession of the secured asset would be taken. One such order is dated 19/09/2024 wherein it is recorded that possession of the secured asset would be taken on 09/10/2024. The matter was adjourned on some occasions at the request of learned AGP. On 29/11/2024, this Court recorded on instructions that steps for taking possession is scheduled on 27/12/2024. It was further recorded that if the

petitioner desires to seek police protection, they shall pay necessary charges in accordance with law. The possession was then scheduled to be taken on 08/01/2025 and thereafter on 20/02/2025. On 05/05/2025, learned AGP on instructions submitted that next date for taking possession of the secured asset would be communicated to the petitioner as well as learned counsel. Statement was accepted. It was further recorded that in case steps for taking possession are taken, it would be open for the petitioner to seek police assistance in accordance with law. Accordingly, the petition is listed today for directions.

3. Learned counsel for the petitioner submits that the possession has not yet been taken. In fact, it is submitted by him that when the petitioner had requested the Naib Tahsildar, Pune i.e. respondent no. 2 to communicate the date for taking possession, he simply refused to entertain them.

4. Be that as it may, only by way of indulgence and as a last opportunity, we direct respondent no.2 to schedule the next date for taking possession of the secured asset within a period of 4 weeks from today.

5. Learned counsel for the petitioner states that the petitioner would pay necessary charges for police assistance in accordance with law, if such assistance is needed by respondent no.2. Respondent no.2 to communicate within a period of 1 week from today the date when possession is scheduled to be taken.

6. In the light of these directions, nothing survives for further consideration in this petition. The petition is disposed of.

7. List the petition on 28/07/2025 for compliance.

8. If this order is complied with, the matter will be removed from the Board. However, if for any reason, the order is not complied with, respondent no.2 to remain personally present in this Court on 28/07/2025.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)