



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

**WRIT PETITION NO.12323 OF 2024**

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

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Adv. Nikhil Mehta i/b. KMC Legal Venture, for the Petitioner.  
Adv. Shivshankar D. Patil, for the Interveners.  
Mr. A. I. Patel, Addl.G.P. a/w Smt. A. A. Purav, AGP, for the  
Respondent-State.

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

**DATE : 30<sup>th</sup> JULY, 2025**

**P.C. :**

1. Heard learned counsel for the parties.
2. We have perused the order dated 27<sup>th</sup> June 2025 passed by this Court. Mr. Patil, learned counsel for the Interveners submitted that the Petitioner has flouted the procedure while obtaining the possession of the secured asset on the previous occasion. To that end the Securitisation Application has been filed by the Interveners before the DRT. It is submitted that the Interveners are willing to offer One Time Settlement proposal and in fact willing to deposit a sum of Rs.5,00,000/- in this Court.

**3.** Learned counsel for the Petitioner-Finance Company submits that the total outstanding as on today is approximately more than Rs.40,00,000/-. It is further submitted that thrice the possession of the secured asset was taken and thrice the Interveners in a highhanded manner have entered into the premises and broke open the lock. Even on the last date fixed for taking possession of the secured asset pursuant to the order of this Court dated 27<sup>th</sup> June 2025, the Interveners resisted the Circle Officer instructed by the Tahsildar who was accompanied by the police force from taking possession of the secured asset.

**4.** In our opinion, the Interveners are committing contempt of this Court's order dated 27<sup>th</sup> June 2025. However, for the present we do not wish to issue a notice of contempt. Suffice it to observe that within a period of two weeks from today, the Tahsildar should fix the date for taking possession of the secured asset. The In-Charge of the concerned Police Station to provide adequate police force for taking possession of the secured asset. The necessary police protection charges will be paid by the

Petitioner. It is also open for the Petitioner as well as the In-Charge of the concerned Police Station to register an FIR against the Interveners in case there is obstruction. The conduct of resisting the Tahsildar from taking the possession of the secured asset will be regarded as a breach of the orders of this Court.

**5.** It is however made clear that so far as the Securitisation Application filed before the DRT for restoration of possession is concerned, the same shall be decided on its own merits only after the possession of the secured asset is handed over to the Petitioner – Finance Company. We do not appreciate the submissions made by the learned counsel for the Interveners that because the Interveners are ready to offer a One Time Settlement proposal and willing to deposit a sum of Rs.5,00,000/- in this Court, they should be allowed to remain in possession of the secured asset. Such an arrangement would be impermissible in the teeth of the fact that possession of secured asset was taken in compliance with Section 14 order.

**6.** However, we are inclined to grant the limited protection to the Interveners by directing and even learned counsel for the Petitioner – Finance Company fairly submits on instructions that for a period of three months from the date of taking back the possession, no proceedings for auction of the property will be initiated. It is also submitted that the One Time Settlement which will be proposed by the Interveners will be considered on its own merits and in accordance with law. Petition is disposed of. Liberty to apply.

**(N. R. BORKAR, J.)**

**(M. S. KARNIK, J.)**