

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

WRIT PETITION NO. 18692 OF 2024

State Bank Of India

..Petitioner

Vs.

State Of Maharashtra & Ors.

..Respondents

Ms. Tejaswi Nanche i/b. Mr. Sanjay Anabhawane for petitioner.
Mr. M. M. Pable, Assistant Government Pleader for respondent-state
Mr. Aditya S. Navpute a/w Mr. Vijay Raut for the respondent no. 9

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATED : 10th JANUARY 2025

PC.:

1. The learned Assistant Government Pleader, on instructions, submits that the respondent no. 9 has trespassed into the subject matter property for which report has been lodged against him.
2. The learned counsel appearing for the respondent no. 9 has tendered affidavit-in-reply and seeks to justify his action of forcefully entering the possession.
3. We find that unless the respondent no. 9 raises a challenge to the order passed under Section 14 of the Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002, he would have no defence to continue in possession or re-enter possession of the secured asset.

4. In that view of the matter, it is open for the petitioner to seek police assistance while seeking delivery of the possession of the secured asset. If such application is made by the petitioner, the same shall be considered by the respondent nos. 5 to 7, as per the prevailing rules.
5. List under the caption “For Directions” on 05/02/2025.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J)