

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18725 OF 2024**

HDB Financial Services Limited ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 18852 OF 2024**

HDB Financial Services Limited ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Padmakar S. Garad for the Petitioners.

Mr. N.C. Walimbe, Addl. G.P. a/w. Mr. S.P. Kamble, AGP for the
Respondent/State.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.**
DATE : 7th JULY, 2025.

P.C.

1. The reliefs prayed in these petitions are for directions to Respondent Nos.2 to 4 to restore the possession of Secured Assets, i.e., **(i)** All that piece and parcel of land bearing Survey No.22/9/21, Plot No.22, Hissa No.9/21 admeasuring 00H 4.64R, i.e., 5062 sq. ft Malhar Apartment Laxman Nagar, Balewadi, Pune, Maharashtra-411045 {North :20 Feet Road, South : Piece of Land No.71, East : 20 Foot Road, West : Piece of Land No.23} **and (ii)** All the piece and parcel of the property bearing Survey No.135, Hissa No.2/B/1/5, along with structure standing thereon admeasuring area 2550 sq. ft., situated at Warje Malwadi, (Yashodeep Society) near Yashodeep Chowk, Taluka – Haveli Dist.Pune – 411058. {East : Road, West : Adj. Bldg, North : Adj. Bldg. South : Adj. Bldg}.

2. In light of the decision in ***Kotak Mahindra Bank Ltd. & Anr. vs. State of Maharashtra & Ors.***¹, we direct respondent No.3 – Executive Magistrate and Niwasi Nayab Tahsildar to restore the possession of the secured assets to the petitioner in compliance with the orders dated 3rd June 2022 and 8th September 2022 passed by respondent No.2 – District Magistrate and District Collector, Pune within a period of six weeks from the date of receipt of copy of this order.
3. If any police protection is required, the same be provided on the petitioner paying necessary charges. The physical possession of the secured assets be handed over to the petitioner bank/secured creditor accordingly.
4. The petitions are disposed of in the aforesaid terms.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)

1 Writ Petition No. 6805 of 2023 decided on 30.06.2023