

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1958 OF 2025

Tata Capital Housing Finance Ltd.

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Nikhl Mehta i/b. KMC Legal Venture for Petitioner.

Dr. Dhruvi Kapadia, learned AGP for Respondent Nos.1 & 2.

CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.

DATE : 3rd DECEMBER 2025

ORDER :

1. Rule. Rule made returnable forthwith. Heard by consent of parties.
2. By this Writ Petition the Petitioner has sought directions to the Respondent No. 2 to take physical possession of the mortgaged property in terms of the order dated 30th September 2020 passed under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**SARFAESI Act, 2002**) by the District Magistrate, Pune and to fix the time limit for Respondent No. 2 to take physical possession of the mortgaged property. Further direction is sought to the

concerned Police Station within whose jurisdiction the mortgaged property is located to provide appropriate police assistance (protection) at the time of taking physical possession of the secured asset/mortgaged property by the Respondent No.2.

3. The Petitioner had issued a demand notice under Section 13(2) of the SARFAESI Act dated 14th October 2019 in respect of the non-payment of dues by the borrowers on account of the borrowers account being declared as 'Non Performing Asset' on 7th September 2019. On account of no response from Respondent – borrowers & co-borrowers, the Petitioner issued a possession notice under Section 13(4) of the SARFAESI Act, and took symbolic possession of the said mortgaged property.

4. The Petitioner had filed an Application under Section 14 of SARFAESI Act, 2002 which was allowed by the District Magistrate, Pune on 30th September 2020 and possession was ordered to be taken by Respondent No. 2.

5. Thereafter, notices were issued by the Respondent No. 2 on 6th January 2025, however, possession had not been taken.

6. The present Writ Petition had accordingly been filed.

7. We have considered that although an order has been passed by the District Magistrate, Pune under Section 14 of SARFAESI Act, 2002 on 30th

September 2020, physical possession of the mortgaged property / secured asset has not been taken till date.

8. We direct the Respondent No. 2 to take physical possession of the said mortgaged property in terms of order dated 30th September 2020 passed under Section 14 of the SARFAESI Act, 2002 by the District Magistrate, Pune on or before 7th January 2026.

9. The Respondent No. 2 shall issue notice of possession by 5th December 2025.

10. The concerned Police Station in whose jurisdiction the mortgaged property is located is directed to provide appropriate police assistance (protection) at the time of taking of physical possession of the said mortgaged property by the Respondent No. 2.

11. The Writ Petition is accordingly disposed of in the above terms. There shall be no order as to costs.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]

Ajay Jadhav
WP/1958/2025

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