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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4855 OF 2025**

1. Satish Ramesh Sawant, Age-42 years }
having address at Flat No.001, }
Ground Floor, Om Shri Gajanan CHSL, }
Rameshwadi, Badlapur (West), Thane }
Maharashtra-421503 }
And also at: }
Room No.01 Chawl B 6, Shivkrupa Colony, }
Prathmesh Nagar, Kalyan, Near Mahalaxmi }
shopping Center, Kalyan, Thane, }
Maharashtra-421306. }
And also at: }
Room No.305 A, 3rd Floor, Bal Ganesh Tower, }
Thane Maharashtra-4000601. }
2. Trupti Ramesh Sawant, }
having address at Room No.01, Chawl B 6, }
Shivkrupa Colony, Prathmesh Nagar, }
Kalyan, Near Mahalaxmi Shopping Center, }
Kalyan, Thane, Maharashtra-421306. }

.. Petitioners

VERSUS

1. State of Maharashtra, }
Writ to be served upon office of the }
Government Pleader, }
High Court-Appellate Side, Bombay. }
2. Piramal Capital and Housing Finance Ltd. }
having address at Dhiraj Baug, Building }
"A" Ground & 1st Floor, Besides Axis Bank, }
Opp. Monalisa Building, Agra Road, }
Hari Niwas Circle, Naupada, }
Thane (West)-400 602. }

.. Respondents

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Ms. Dimple P. Tejani, Advocate for the Petitioners.

Mr. S. B. Kalel, Assistant Government Pleader for the Respondent No.1.

Mr. Shadab Siddiqui i/by R. L. Motwani, Advocates for the

Respondent No.2.

Mr. Sumit Pawar, Officer, Piramal Capital & Housing Finance Ltd. present.

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

DATE : 9th APRIL 2025.

JUDGEMENT : (PER: A. S. CHANDURKAR, J)

1. Rule. Rule made returnable forthwith. Learned Assistant Government Pleader waives notice for Respondent No.1. Mr. Shadab Siddiqui, learned counsel waives notice for Respondent No.2.

2. The challenge raised in this writ petition is to the notice dated 19/03/2025 issued by the Circle Officer, Kulgaon on the basis of which possession of the secured asset is sought to be taken from the Petitioners in compliance of the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (for short, 'Act of 2002') dated 06/03/2023. The only ground of challenge raised by the petitioners is that the notice issued by the Circle Officer is not in accordance with law on the ground that the Additional District Magistrate in exercise of jurisdiction under Section 14 of the Act of 2002 directed the Tahsildar to take such steps. It is urged that the Tahsildar cannot sub-delegate this task to the Circle Officer.

3. Having heard the learned counsel for the parties it is clear that the issue with regard to sub-delegation of such power by the Tahsildar has been considered and decided in *Writ Petition (St) No.26048 of 2019 (Punjab National Bank Vs. State of Maharashtra & Ors.)*. It has been held that steps, if any are required to be taken by the Tahsildar but such duty can not be sub-delegated. In that view of the matter, it is clear that the impugned notice issued by the Circle Officer is liable to be set aside on this short ground.

4. Accordingly the following order is passed:-

1. The notice dated 20/03/2025 issued by the Circle Officer proposing to take possession of the secured asset is set aside on the ground that it is for the Tahsildar to execute the order passed under Section 14 of the Act of 2002.

2. The Tahsildar, Ambarnath is at liberty to issue fresh notice to the Petitioners for taking steps in accordance with the order dated 06/03/2023 passed by the Additional District Magistrate under Section 14 of the Act of 2002.

3. Needless to state that if the Petitioners are aggrieved by the order passed under Section 14 of the Act of 2002 or consequent steps taken, remedy before the Debts Recovery Tribunal is kept open. Rival contentions on merits are kept open.

4. Rule is made absolute in above terms with no order as to costs.

[M. M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]