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

WRIT PETITION NO.5455 OF 2025

Rajesh Babaji Sawant & Anr. .. Petitioners
Vs.
Apna Sahakari Bank Ltd. & Ors. .. Respondents

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Mr. V. H. Narvekar, Advocate for the Petitioners.
Mr. Sanjeev Punalekar with Ms. Isha Punalekar, Mr. Durgesh
Telang, Advocates for the Respondent No.1-Bank.
Mr. S. L. Babar, Assistant Government Pleader for the Respondent
Nos.2 and 3.

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

DATE : 30th APRIL 2025.

P.C. :

1. We have heard the learned counsel for the parties and we have perused the writ petition as well as affidavit in reply filed by Respondent No.1.
2. The grievance raised by the petitioners is that a property that was not the subject matter of an undertaking dated 16/10/2024 furnished by the present petitioners in Writ Petition No.10953 of 2024 (*Apna Sahakari Bank Ltd. & Anr Vs. State of Maharashtra & Ors.*) and more specifically House No.1511 standing on Survey No.9 Hissa No.10, which was not part of the undertaking, has been illegally attached.
3. According to the Respondent No.1, after the mortgage was

created, the aforesaid house has been constructed on the land that was mortgaged with the Bank.

4. We find that disputed questions arise for adjudication including the aspect as to whether the earlier house property was demolished and that House No.1511 was thereafter constructed. As we cannot record any findings on disputed facts in writ jurisdiction, we are not inclined to entertain the writ petition. It would be open for the Petitioners to invoke an appropriate alternate remedy.

5. However, in the facts of the case, for a period of four weeks from today, the Respondent No.1 shall not take any further steps with regard to House No.1511 standing on Hissa No.10, Survey No.9 at Sadavali, Taluka Sangameshwar, Dist. Ratnagiri. This limited direction is without prejudice to the rights and contentions of the parties.

6. Keeping all points on merits open, the writ petition is disposed of. All concerned to act on a duly authenticated or digitally signed copy of this order.

[M. M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]