IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5732 OF 2025

Motilal Oswal Home Finance Ltd ...Petitioner

VERSUS

The State Of Maharashtra Through
D M And Ors. ...Respondents

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Adv. Mahesh Swami a/w Adv. Shreyas Deshpande i/by Mr. Navin Arora, Advocate for the Petitioner.

Mr. N. C. Walimbe, Addl. G. P. a/w Mr. V. G. Badgujar, AGP for the Respondent – State.

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CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.

DATE : 04th JULY, 2025

P.C.:

1. The reliefs prayed in this petition are for directions to respondent No.1 - The State of Maharashtra/District Magistrate, Pune to restore the possession of Secured Assets, i.e., Grampanchayat Property No.86/56 Kamthadi Bhor Pune Marathi School Janubai Mandir 412213, Pune, Maharashtra with the help of respondent No.2 – Station House Officer, Bhor Police Station in the presence of the authorised officer of the petitioner bank.

2. Learned AGP submitted that the Executive Magistrate and the Resident Deputy Tehsildar of Maval had already

handed over the possession of the secured assets to the petitioner bank. As the possession was handed over and as there is no provision under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act" for short) to initiate action for repossession of the property if the same is dispossessed, learned AGP requested this Court to pass appropriate orders.

3. The issue raised by learned AGP is no longer *res integra* in view of the decision of this Court in ***Kotak Mahindra Bank Ltd. & Anr. vs. State of Maharashtra & Anr.***[1]. This Court has clearly held that there is no prohibition for the District Magistrate or his delegate to re-exercise the powers to execute the order passed under Section 14 of the SARFAESI Act. In this view of the matter, the petition is allowed in terms of prayer clause **"b".**

4. If police protection is necessary, the same be provided on petitioner-bank paying the necessary charges, which the petitioner-bank is ready and willing. The steps to repossess the property and restore the possession to the petitioner be taken within a period of 10 weeks from today.

5. The petition is disposed of in aforesaid terms.

6. List the matter for compliance on 10th October 2025.

(N. R. BORKAR, J.) **(M. S. KARNIK, J.)**

1 Writ Petition No. 6805 of 2023 decided on 30.06.2023