

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8079 OF 2025**

ASREC (India) Limited	... Petitioner
V/s.	
State of Maharashtra & Ors.	... Respondents

Mr. Sanjay Anabhawane for the Petitioner.
Ms Reena A. Salunkhe, AGP for the Respondent .

**CORAM : M.S. KARNIK &
 N.R. BORKAR, J.J.
DATE : 21st JULY, 2025.**

P.C.

1. Mentioned, out of turn.

2. By this petition, the petitioner *inter-alia*, prayed the following reliefs:

“(a) That this Hon’ble Court be pleased to admit the present Petition;

(b) That this Hon’ble Court be pleased to issue appropriate directions in the nature of writ of Mandamus against the Respondent No.2 to issue re-execute and re-implement the Order dated 07.07.2023 and to issue fresh Writ of Commission in the name of the Respondent No.3/Court Commissioner for taking repossession of the secured asset viz., Flat No.A-401, Fourth Floor, A Wing Building, Taj Villha Apartment, C.T.S. No.435/1 to 15 situated at E Ward, Shahupuri, Taluka Karveer, District Kolhapur;

(c) That this Hon’ble Court be pleased to issue appropriate directions in the nature of writ of Mandamus against the Respondent No.3 to initiate steps for taking

repossession of the secured asset viz., Flat No.A-401, Fourth Floor, A Wing Building, Taj Villha Apartment, C.T.S. No.435/1 to 15 situated at E Ward, Shahupuri, Taluka Karveer, District Kolhapur;

(d) That this Hon'ble Court be pleased to issue appropriate directions in the nature of writ of Mandamus against the Respondent No.4, inter alia, directing them to take appropriate steps for providing appropriate police assistance for repossession of the secured asset viz., Survey No.18/1, City Survey No.2732(Part), Village Khopoli, Taluka Khalapur, District Raigad and to take appropriate action against the Principal Borrower for an act criminal trespass under the provisions of Indian Penal Code;"

3. Heard learned counsel for the petitioner and the learned AGP for respondent/State.

4. Learned AGP submitted that once the possession has been handed over to the petitioner in compliance with Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act" for short), there cannot be further insistence on the part of the petitioner in restoring the possession of the property back. The borrower has trespassed in the property after the possession was handed over to the petitioner by the respondents.

5. The principle is well settled by the decision of this Court in the case of **Kotak Mahindra Bank Ltd. & Anr. vs. State of Maharashtra & Ors.**¹ We therefore, have no hesitation in allowing the petition. The respondents are directed to take

¹ Writ Petition No. 6805 of 2023 decided on 30.06.2023

steps for restoring the possession of the secured assets to the petitioner within a period of 8 weeks from today.

6. The petitioner is willing to pay/deposit necessary charges towards police protection. If any police protection is required, the concerned Station House Officer shall provide the same on the petitioner paying necessary charges.

7. With these directions, the Petition is disposed of.

8. Liberty to apply if this order is not complied.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)