

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

WRIT PETITION NO. 8498 OF 2025

Tata Capital Housing Finance Ltd.

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Nikhil Mehta i/b. KMC Legal for Petitioner.

Mr. A.A. Alaspurkar, learned AGP for Respondent – State.

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

DATE : 3rd DECEMBER 2025

ORDER :

1. By this Writ Petition the Petitioner has sought a direction to Respondent Nos. 2 and 3 to forthwith render necessary assistance to the appointed Court Commissioner being Judicial Magistrate First Class, Nashik Court Room No. 3 to take physical possession / forcible physical possession of the mortgaged property in terms of the order dated 21st December 2024 passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) by the Additional Chief Judicial Magistrate, Court Room No. 12, Nashik.

2. By the order dated 21st December 2024 passed by the Additional Chief Judicial Magistrate, Nashik under Section 14 of the SARFAESI Act, 2002, the Court Commissioner has been appointed to take physical possession / forcible physical possession of the mortgaged property. However, the physical possession could not be taken in view of non provision of necessary police assistance to the Court Commissioner.

3. In view thereof, we direct Respondent Nos. 2 and 3 to provide the necessary police assistance to the appointed Court Commissioner being Judicial Magistrate First Class, Nashik Court Room No. 3 for taking physical possession / forcible physical possession of the mortgaged property by 7th January 2026 in compliance with the order dated 21st December 2024 passed under Section 14 of the SARFAESI Act, 2002 by the Additional Chief Judicial Magistrate, Court Room No. 12, Nashik.

4. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]

Ajay Jadhav
WP/8498/2025

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