

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9130 OF 2025**

Sairaj Hotels Pvt. Ltd. & Ors. ... Petitioners
V/s.
Union of India & Ors. ... Respondents

Mr. Bhavesh Parmar a/w Ms Reshma Nair, Mr. Vivekanand Akshali, Mr. Rajesh Sahani i/b Mr. Devmani Shukla for the Petitioners.

Mr. Akash K. Kotecha for Respondent No.1.
V.G. Badgujar, AGP for the Respondent/State.

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.
DATE : 11th JULY, 2025.**

P.C.

1. Heard learned counsel for the petitioners.
2. Issue notice to the respondents.
3. Mr. Kotecha, learned counsel appears and waives service of notice on behalf of respondent No.1. Learned AGP waives service of notice on behalf of respondent No.4.
4. In addition to Court notice, private notice on respondent Nos.2 and 3 is permitted.

5. Learned counsel for the petitioners submitted that under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFEASI Act" for short), the possession of agricultural land cannot be taken as same is exempted from possession proceedings. Since the possession is already taken, we direct respondent No.3 not to take any further steps pursuant to taking over of the possession. If the agricultural land is exempted as per the case of the petitioners, then on the next date subject to hearing respondent No.3, we are inclined to consider the prayer made by the petitioners for restoration of possession.

6. List on 23rd July 2025 under the caption "**for fresh admission**".

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)