



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 1391 OF 2026

Union Bank of India

....Petitioner

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. Yogesh Bolkar, Advocate holding for Mr. A. A. Mishra, Advocate
for the Petitioner.

Mr. R. S. Wani, AGP for the State.

**CORAM : SMT VIBHA KANKANWADI
& HITEN S VENEGAVKAR, JJ.**

DATE : 25th MARCH, 2026.

PER COURT : (Per : Hiten S. Venegavkar, J.)

1. Heard learned Advocate for the Petitioner. He submits that the statutory order under Section 14 of the Securitization and reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, has already been issued by the District Magistrate directing Respondent No. 2 to implement the order by taking possession of the secured assets and deliver possession of the same to the present Petitioner. He further submits that though the order is dated 31.03.2023, still Respondent No. 2 has not executed said order and the secured assets have not been handed over to the present Petitioner. On the contrary, Respondent No. 2 has delegated

implementation to the Circle Officer, which, according to him, is not in accordance with law.

2. Learned AGP submits that the order of delegation passed by Respondent No. 2 will be immediately withdrawn. He further makes a statement that Respondent No. 2 will implement the order of District Magistrate under Section 14 of the Act within a period of six weeks from today.

3. Though learned AGP assures this Court that the order will be implemented and the possession of the secured assets will be handed over to the Petitioner within a period of six weeks from today, we would like to consider the aspect of delegation of powers to execute/implement the orders of the District Magistrate passed under Section 14 of the Act. The statutory provisions empower the competent authority to adjudicate the issue of secured assets and handing over possession to the secured creditors by directing the authority to implement the same. Once adjudication is statutorily done and the directions are so issued, in that situation, the implementing authority has no further power to delegate the same to any other officer.

4. Learned Advocate for the Petitioner has relied upon judgment in case of Anand Rathi Global Finance Ltd. vs. State of Maharashtra and another, **2022 SCC OnLine Bombay 4837**, wherein this Court has specifically held that statutory mandate is that the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, can himself take possession of the secured assets, in the alternative, the concerned Magistrate can appoint any officer subordinate to him to take possession. In this view of the mandate of the statute, the Court has set aside the directions issued by the appointed officer who was Tahsildar cum Executive Magistrate to the subordinate officer for the purpose of taking possession. The Court has specifically expressed that such action of delegation is not permissible. In this view of the matter, even in the present matter, the delegation made by Respondent No. 2 to the Circle Officer for implementing the orders passed under Section 14 of the Act is absolutely illegal and hence the same is set aside.

5. According to the statement made by learned AGP, we direct Respondent No. 2 to take possession of the secured assets and hand it over to the present Petitioner within a period of six weeks.

Accordingly, the writ petition stands disposed of. No order as to costs.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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