

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

37 WRIT PETITION NO. 1441 OF 2026

M/s Au Small Finance Bank Ltd Through Its Authorized Officer  
VERSUS  
The State Of Maharashtra Through The Secretary And Others

...  
Mr. Jajoo Mukul Vijaykumar - Advocate for the Petitioner  
Mr. S. B. Pulkundwar - AGP for State  
...

CORAM : SMT. VIBHA KANKANWADI  
AND  
HITEN S. VENEGAVKAR, JJ.

DATED : 09<sup>TH</sup> FEBRUARY, 2026

PER COURT : -

1. The present petition has been filed seeking directions to respondents No.2 to restore the possession of the Secured asset admeasuring 1614 Square yards situated at Municipal Corporation Sr. No. 30, 2A-2B-2-1P, Gat No. 30/8, Shirdi, Tq. Rahata, District Ahmednagar, and handover the same to the Petitioner.
2. Heard the learned advocate for the petitioner. Learned AGP waives service of notice for respondents No.1 to 4.
3. In respect of the possession of the secured asset, which has been lawfully taken by the Banks, this Court has already considered the issue in *Motilal Oswal Home Finance Limited v. The State of Maharashtra and Others* [Writ Petition No. 71 of 2026, decided on

06.01.2026 (Aurangabad Bench)], wherein it was held that a fresh application under Section 14 of the SARFAESI Act is maintainable before the learned Magistrate. The Court also issued directions setting out the modalities regarding how such applications are to be decided by the Magistrate.

4. In view of the said judgment, we dispose of the present petition to pursue the said application in accordance with the judgment mentioned above.

**[HITEN S. VENEGAVKAR]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**