

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 WRIT PETITION NO. 1456 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 : 09TH FEBRUARY, 2026

PER COURT : -

1. The present petition has been filed seeking directions to respondents Nos. 1 to 4 to secure the possession of the Secured asset admeasuring 1104 Sq. Feets, situated at Sr. No. 150/1, (Part) Plot No. 35, Near Sai Dwarka Hotel, 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