



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 1192 OF 2026

AADHAR HOUSING FINANCE LIMITED THR. ITS AUTHORIZED OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. B.S. Choure, Advocate for petitioner

Mr. S.B. Narwade, AGP for respondent Nos.1 to 3

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

DATE : 06th MARCH, 2026

ORDER :

. Heard learned Advocate for petitioner. It is submitted that District Magistrate had passed an order under Section 14 of the SARFAESI Act directing Tahsildar to take appropriate steps of recovering possession of secured asset and hand over the possession to present petitioner. Accordingly, the order passed under Section 14 of the SARFAESI Act was implemented and the possession was handed over to petitioner. However, it is alleged that the debtors re-entered in the property illegally by taking the possession from the lawful custody of petitioner and, therefore, the petitioner had again approached the District Magistrate by way of an application for

restoring the possession on 25.09.2025. It is submitted that the said application is still pending for adjudication before the District Magistrate.

2 This Court while considering this issue of re-possession has specifically held that when the law has been set in motion and by way of legal orders if the possession is handed over to the creditor Bank, then any subsequent illegality without interference from the Court of law by the borrower with the lawful possession of the creditor Bank has been deprecated. In the Judgment by this Court in **Motilal Oswal Home Finance Limited vs. The State of Maharashtra and others** in Writ Peition No.71 of 2026 on 06.01.2026 this Court has laid down certain directions as to how the applications preferred before the District Magistrate for restoration of possession should be dealt with. The application moved in present petition by petitioner is pending before the District Magistrate since 2025 and, therefore, we dispose of the present petition by directing District Magistrate to take up the application immediately in accordance with the directions issued by this Court on 06.01.2026 in Writ Petition No.71 of 2026, preferably within a period of four weeks from today. Writ Petition stands **disposed of**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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