



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.2380 OF 2026

TATA CAPITAL HOUSING FINANCE LIMITED THR. ITS AUTHORIZED
OFFICER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.W. Munde, Advocate for petitioner

Mr. S.K. Tambe, AGP for respondent Nos.1 to 4

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

DATE : 06th MARCH, 2026

ORDER :

. Present petition has been filed seeking directions to respondent authorities to restore the possession of secured asset i.e. Flat No.2 attached and taken into possession as per the order passed by learned District Magistrate, Chhatrapati Sambhajinagar in Securitization Application No.343/2023 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2 Heard learned Advocate for petitioner. Learned AGP waives service of notice for respondent Nos.1 to 4.

3 In respect of possession of secured asset, which has been lawfully taken by the Bank, this Court has already considered the issue in **Motilal Oswal Home Finance Limited vs. The State of Maharashtra and others** in Writ Petition No.71 of 2026 on 06.01.2026, 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, J.)

(SMT. VIBHA KANKANWADI, J.)

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