



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 4917 OF 2026

Vardhaman Nagari Sahakari Patsanstha Maryadit Through Its Recovery
Officer

VERSUS

The State Of Maharashtra Through The Collector And Others

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Mr. Vishal Bagdiya, Advocate for the Petitioner

Mr. P.K. Lakhotiya, AGP for State

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CORAM : NITIN B. SURYAWANSHI AND

VAISHALI PATIL JADHAV, JJ.

DATE : 04th MAY, 2026

ORDER :

1. The government has issued circular dated 22.12.2025 for execution of the orders given under section 14 of the Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security Interest Act, 2002. In the present case, it appears that said procedure is not followed. Though, the petitioner is a secured creditor with whom the property in question was mortgaged, the same is not handed over by the respondents on the ground that, at the time of taking possession the borrower has created third party interest. If, this was the case, the respondents ought to have followed the directions issued by the co-ordinate bench of this Court in Writ Petition No. 11544 of 2025 (Motilal Oswal Home Finance Limited Vs. State of Maharashtra &

Others), on the basis of which, circular dated 22.12.2025 is issued by the Government.

2. The writ petition is, therefore, disposed of by directing the respondents to follow the procedure provided in the circular dated 22.12.2025. Said exercise shall be completed within a period of eight from the date of receipt of copy of this order.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)