

ANANT
KRISHNA
NAIKDigitally
signed by
ANANT
KRISHNA
NAIK
Date:
2026.02.24
18:01:51
+0530**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9624 OF 2024**

SVC Co-Operative Bank Ltd. (formerly know
as Shamrao Vithal Co-operative Bank Ltd & Anr .. Petitioners
V/s.

The State of Maharashtra & Ors .. Respondents

Mr. Nikhil Rajani, i/b Ms. V. Deshpande & Co., for the Petitioners.
Ms. Kavita N. Solunke, Addl. GP, a/w Smt. Tanu N. Bhatia, AGP for the
Respondent/State
Mr. Sunil Jagdale, PSI, Warje Police Station present in the Court.

**CORAM: MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE: 24th FEBRUARY 2026

P.C.

1. This Petition is listed for compliance today in the light of earlier orders passed in the Writ Petition.

2. Learned Counsel appearing for the Petitioner-Bank has tendered an additional affidavit alongwith documents, which reveal a shocking state of affairs and also the manner and extent to which borrowers can go in order to frustrate orders passed by competent authorities and even this Court.

3. This Writ Petition was disposed of by an order dated 03/12/2025 on the basis of a statement recorded on behalf of the Respondent-State authorities that the Respondent No. 2 – Nayab Tahsildar, Haveli would take

physical possession of the secured asset on or before 07/01/2026. The statement was accepted and accordingly the Petition was disposed of.

4. It was listed on 06/01/2026 for compliance, when it was stated that police assistance could not be provided due to election scheduled on 15/01/2026 and in that backdrop statement made on behalf of the Respondent – state authority was recorded that possession would be taken on or before 30/01/2026. Accordingly the Petition was listed on 02/02/2026 for compliance.

5. On 02/02/2026, it came to light that possession could not be taken due to unforeseen incident of the death of the then Deputy Chief Minister in an accident, due to which police bandobast was required to be made at District – Pune for dealing with the consequent situation. Considering the said circumstances, this Court by order dated 02/02/2026 granted extension of time till 15/02/2026 and place the matter on 17/02/2026 for compliance.

6. On 17/02/2026, this Petition was listed when a grievance was made on behalf of the Petitioners that the officials of the concerned police station at Warje, Pune had not shown enthusiasm for complying with the directions of this Court. Thereupon, this Court directed that compliance be ensured on or before 20/02/2026 and accordingly this Petition was directed to be listed today for compliance.

7. In the additional affidavit, it is pointed out that the secured asset consists of flats at the ground floor, first floor and second floor. When attempt to take physical possession was made on 20/02/2026 along with police assistance, the lock on the ground floor flat had to be broken open and accordingly physical possession was taken and the ground floor flat was sealed. But when the representative of the Petitioner-bank along with Nayab Tahsildar with police assistance proceeded towards the first floor, the common staircase was obstructed as the door was locked by a neighbour Mrs. Prabhavati Shinde. She refused to open the lock and give access to the team and it is alleged that the borrowers claimed that after the team leaves from the premises, the ground floor flat would also be trespassed.

8. Despite the team led by the Nayab Tahsildar, asking the said Mrs. Shinde to provide access so that the secured asset at the first floor and second floor could be taken possession of and sealed, she refused to do so and apprehending a law and order situation, the team returned.

9. The learned Counsel for the Petitioners submits that if the officials of the police station at Warje, Pune had acted with promptitude and they had shown inclination to abide by the direction issued by this Court, they would have provided proper assistance to the Nayab Tahsildar for ensuring compliance. But since the same was not done, only the ground floor of the

secured asset could be taken possession of and sealed, which is also under threat of being trespassed again by the borrowers. On this basis, it is submitted that this Court may pass stringent orders to ensure compliance.

10. The learned AGP submits that an official from the said police station is present in Court. It appears that the presence of a lady obstructing the team led by Nayab Tahsildar was not foreseen and hence, lady constables were not available to deal with the situation. It is assured that if this Court gives one last chance, all efforts will be made to ensure compliance with the directions of this Court.

11. The learned AGP also tendered copies of the taba pavati i.e. possession receipt pertaining to the ground floor and also that of the Panchanama pertaining to the events that led to failure on the part of the team in taking possession of the first and second floors.

12. The additional affidavit tendered on behalf of the Petitioners and copies of the tabapavati and panchanama tendered by learned AGP are taken on record.

13. Considering the aforesaid submissions and the turn of events, we find that this case is a peculiar example of how there is absolutely no regard for rule of law and how defaulting borrowers, proceed to interfere with actions undertaken by State Authorities under lawful authorization of

Courts. It is a sad comment on the state of affairs in so far as District Pune is concerned and particularly the police station at Warje. We are surprised that police officials of the said police station were not prepared to deal with the situation that unfolded on 20/02/2026. There was no reason why the Nayab Tahsildar was not provided proper police assistance, including presence of lady constables to deal with the situation that arose at that point in time.

14. Even if it was not foreseen that a lady would obstruct the team, upon such a situation arising, appropriate steps should have been taken forthwith by the officials of the said police station to ensure complete compliance with the directions issued by this Court.

15. In view of the above, we issue the following directions.

(a) The Nayab Tahsildar shall now take physical possession of the remaining portion of the secured asset i.e. the first floor flat and the second floor flat on 27/02/2026.

(b) The police station in-charge of Police Station, Warje, Haveli, Pune shall ensure that appropriate police assistance is provided, and including lady constables are made available to the Nayab Tahsildar, Haveli for carrying out the direction given hereinabove and ensuring that the physical possession of the entire secured asset including the

first and second floor flats is taken on the date specified hereinabove.

(c) The team led by Nayab Tahsildar shall ensure that neither the borrowers nor any third party create any obstruction in taking physical possession of the remaining portion of the secured asset. Proportionate force shall be used to ensure that any obstruction created by either the borrowers or any third parties is appropriately dealt with. This is necessary to ensure compliance with the directions issued by this Court repeatedly from December 2025.

(d) In the event, we find that the directions issued hereinabove have not been complied with, Nayab Tahsildar, Haveli, as well as in-charge of Police Station, Warje, Haveli, shall remain personally present in this Court on the next date of listing.

16. List for compliance on 05/03/2026 in the supplementary list.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)