

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3936 OF 2026

Union Bank of India	...	Petitioner
Vs.		
State of Maharashtra and others	...	Respondents

Mr. Nainesh Amin a/w. Ms. Priyam Amin i/b. N. N. Amin & Co. for Petitioner.
Mr. R. S. Pawar, AGP for Respondents-State.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : APRIL 02, 2026

P.C. :

- . Heard Mr. Amin, learned counsel for the petitioner.
2. Mr. Pawar, learned AGP has appeared for the respondent State authorities.
3. The petitioner is a secured creditor struggling for taking physical possession of the secured asset. It is brought to the notice of this Court that despite the order passed by the Competent Magistrate, as far back as on 06.10.2022 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act'), physical possession of the secured asset could not be taken.
4. The learned counsel for the petitioner submits that, inadvertently, the concerned Tahsildar has not been added as a party in this writ petition and therefore, leave may be granted to add the said officer as a party respondent.

5. In the interest of justice, leave is granted to add Tahsildar at Nashik as party respondent No.5 in the writ petition. The amendment be carried out forthwith.

6. The learned counsel for the petitioner invited attention of this Court to a series of letters / notices sent by the respondent Tahsildar, Nashik for taking physical possession of the secured asset on various dates. The last such notice was issued on 29.09.2025, fixing 16.10.2025 as the date for taking physical possession of the secured asset. It is submitted that the physical possession of the secured asset could not be taken even on the said date. It is further submitted that till date, appropriate action has not been taken for execution of the order passed by the Competent Magistrate.

7. We find that such a state of affairs is a mockery of rule of law and that secured creditors are struggling to take physical possession of the secured assets under the provisions of the Securitisation Act. The respondent State authorities are expected to provide appropriate assistance to such secured creditors to ensure that the rule of law is respected.

8. In view of the above, respondent No.5 - Tahsildar, Nashik is directed to take physical possession of the secured asset on 23.04.2026 in terms of the aforesaid order dated 06.10.2022 passed by the Competent Magistrate. Respondent No.5 - Tahsildar, Nashik shall issue necessary notices in that regard.

9. Respondent No.4 - Senior Inspector of Police, Panchwati Police Station, Nashik City is directed to provide proper police assistance to the respondent No.5 - Tahsildar for executing the said direction issued by this Court. Adequate number of police personnel, including lady constables shall be made available to respondent No.5 - Tahsildar while

executing the said direction. The police shall use reasonable, proportionate and necessary police force to take physical possession of the secured asset on 23.04.2026, as directed hereinabove.

10. It is made clear that if the said direction issued by this Court is not complied with, respondent No.4 - Senior Inspector of Police, Panchwati Police Station, Nashik City and respondent No.5 - Tahsildar, Nashik shall remain personally present in this Court on the next date of listing.

11. List under the caption 'for compliance' on 28.04.2026.

12. Needless to say, the petitioner shall pay the necessary charges for police assistance provided by the respondent - State authorities.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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