

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 ... Respondent

WITH
WRIT PETITION NO.3726 OF 2026
WITH
WRIT PETITION NO.4232 OF 2026

Mr. Nainesh Amin a/w. Ms. Priyam Amin i/b. N. N. Amin & Co. for Petitioner.
Mr. O. A. Chandurkar, Additional GP a/w. Mr. R. S. Pawar, AGP for Respondents-State in WP/3936/2026.
Ms. Pooja Patil, AGP for Respondents-State in WP/3726/2026.
Ms. G. R. Raghuwanshi, AGP for Respondents-State in WP/4232/2026.
Mr. Amol V. Nikam, Tahsildar, Nashik.

**CORAM : MANISH PITALE &
FARHAN P. DUBASH, JJ.**

DATE : MAY 07, 2026

P.C. :

1. Writ Petition No.3936 of 2026 was disposed of along with two other writ petitions by an order dated 04.05.2026, as this Court was informed that the directions contained in our order dated 02.04.2026 passed in the said petition had been complied with and that possession of the entire secured assets was handed over to the petitioner bank (secured creditor).

2. The learned counsel for the petitioner submits that since a group of three writ petitions was taken up for consideration on 04.05.2026, due to some confusion Writ Petition No.3936 of 2026 also stood disposed of, although there is only part compliance of the directions issued by this Court in the order dated 02.04.2026. It is submitted that the secured asset

consists of three shops. While possession of two shops was taken over, as regards shop No.5, Tahsildar failed to take possession. It is submitted that the Tahsildar erroneously took cognizance of some documents presented by a third party, who was in possession of shop No.5. It was further submitted that as per settled law, the Tahsildar had no jurisdiction to consider such documents to arrive at a conclusion as to whether possession of the said secured asset i.e. shop No.5 could be taken or not. He was supposed to simply execute directions issued by this Court in the order dated 02.04.2026.

3. The learned AGP submits that possession of shop No.5 could not be taken in the light of certain documents produced by the occupant of the said shop.

4. We are of the opinion that the Tahsildar committed an error in entertaining the objection raised by the third party in possession of shop No.5, which is admittedly a secured asset. If any party or person is aggrieved by action lawfully taken by a secured creditor under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act'), the only remedy available is to approach the DRT under Section 17 of the Securitisation Act.

5. In view of the above, we recall our order dated 04.05.2026 disposing of Writ Petition No.3936 of 2026. Since only part compliance of our order dated 02.04.2026 is reported, we direct the respondent No.5 - Tahsildar Nashik to fix the date of 14.05.2026 to take possession of shop No.5. 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 the respondent No.5

- Tahsildar while executing the said direction. The police shall use reasonable, proportionate and necessary force to take physical possession of the secured asset on 14.05.2026, as directed hereinabove.

6. 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.

7. List Writ Petition No.3936 of 2026 under the caption 'for compliance' on 09.06.2026.

(FARHAN P. DUBASH, J.)

(MANISH PITALE, J.)

Minal Parab