

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9108 OF 2025

Muthoot Housing Finance Company Limited
and others ... Petitioners

Vs.

State of Maharashtra and others ... Respondents

Mr. Yohaam Limathwala a/w. Mr. Indrajeet Hingane and Mr. Shreekrishna
Khairnar for Petitioners.

Ms. Tanu N. Bhatia, AGP for Respondents-State.

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

DATE : MARCH 30, 2026

P.C. :

- . Heard Mr. Limathwala, learned counsel for the petitioner.
2. The learned AGP represents the respondent State authorities.
3. The petitioner No.1 is a secured creditor and it is constrained to approach this Court along with its authorized officer as the respondents have not been able to perform their duties, as expected under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act'), judgements of this Court and Circular dated 22.04.2019 issued by the respondent State itself.
4. The petitioners are aggrieved by the act of respondent No.2 Tahsildar in delegating his authority to respondent No.3 Circle Officer for execution of an order passed by the Competent Magistrate under Section 14 of the Securitisation Act. We are in agreement with the

contention of the petitioner that such further delegation cannot be countenanced.

5. In the present case, the Competent Magistrate passed the aforesaid order under Section 14 of the Securitisation Act as far back as on 11.07.2024. In complete breach of the position of law and the procedure, by addressing a communication on 05.09.2024, the respondent No.2 Tahsildar delegated his authority and responsibility of executing the order of the Competent Magistrate to the respondent No.3 Circle Officer.

6. Thereupon, the record shows that the Circle Officer made attempts between 25.09.2024 and 15.04.2025 to execute the order of the Competent Magistrate and to take possession of the subject secured asset. All the attempts met with failure.

7. It is contended before this Court that even the police authorities have been asking for various documents from the petitioner No.1 secured creditor when they are approached for providing police assistance for taking possession of the secured asset.

8. If that be so, we find that the same is in the teeth of the aforesaid Government Circular dated 22.04.2019, particularly clause 3 thereof. We also find that by an order dated **16.01.2019**, a Division Bench of this Court in **Writ Petition No.12 of 2019** (*Dombivli Nagari Sahakari Bank Limited Vs. State of Maharashtra*) had issued a specific direction in paragraph 5 to the State to issue such a Circular. The introduction / preface in the said Circular dated 22.04.2019, specifically refers to the said order passed by this Court. Thus, the respondent State authorities are bound by directions of this Court, crystallized in the said Circular dated 22.04.2019.

9. We find that such a situation where the orders passed by

Competent Magistrate under Section 14 of the Securitisation Act are not executed and the secured creditor is unable to enjoy the fruits of actions lawfully undertaken as per the provisions of the Securitisation Act, demonstrates collapse of rule of law. The same cannot be countenanced. The respondent State authorities are expected to act with promptitude in such cases.

10. The documents on record clearly show that the attempts of the petitioners have been frustrated despite the said order dated 11.07.2024 passed by the Competent Magistrate in their favour.

11. The fact that there cannot be any further delegation by the Tahsildar is also evident from the orders passed by this Court in the cases of *Punjab National Bank Vs. State of Maharashtra and others*, **2019 SCC OnLine Bom.11540** and *AU Small Finance Bank Limited Vs. State of Maharashtra and others*, **2020 SCC OnLine Bom 3863**.

12. In view of the above, we direct as follows:-

- a. Respondent No.2 Tahsildar shall fix the date for taking physical possession of the secured asset as 15.04.2026 and he shall issue notices accordingly;
- b. Respondent No.2 Tahsildar shall undertake the said exercise of executing the order of the Competent Magistrate passed under Section 14 of the Securitisation Act, himself personally without delegating the authority to any other officer, including respondent No.3 Circle Officer;
- c. Senior Police Inspector of Shahapur Police Station, Shahapur, Thane shall provide appropriate police assistance to respondent No.2 Tahsildar to comply with the directions given hereinabove;
- d. Adequate number of police personnel, including lady

constables shall be made available and the police shall use reasonable, proportionate and necessary police force to take physical possession of the secured asset;

- e. Respondent Nos.2 and 6 shall ensure that the above directions are scrupulously complied with, failing which, the respondent No.2 Tahsildar, Shahapur and the Senior Police Inspector, Shahapur Police Station, Thane shall remain personally present in this Court on the next date of listing;

13. List under the caption 'for compliance' on 17.04.2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

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