

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14138 OF 2025

The Mogaveera Co-Operative Bank .. Petitioner
Ltd Throu. Vindo Bhoja Shetty

V/S.

The State Of Maharashtra Throu. .. Respondents
Govt Pleader And Ors

Mr. C.M. Jadhav i/by S.C. Legal, for petitioner.

Mr. Pankaj Dhotre with D. Bhosale, for respondent Nos. 5 and 6.

Ms. Kavita Solunke, Addl. G.P. with R.S. Pawar, AGP, for the
respondent-State.

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

DATE : 10TH JUNE 2026.

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PC:

1. By order dated 05/05/2026, we had issued directions for taking physical possession of the secured asset on 10/05/2026.
2. We are informed that the direction was complied with, but the borrowers again trespassed into the said property (secured asset).
3. Subsequently, appropriate action was taken by the respondent-authorities and we are informed that yesterday i.e. on 09/06/2026 possession was taken and the secured asset was handed over to the petitioner-Bank (secured creditor).
4. In the light of the repeated trespasses committed by the borrowers, the learned counsel for the petitioner-Bank submits that

this Court may consider recording compliance but, at the same time, issue appropriate directions to the State- authorities to take appropriate action as per law against the trespassers i.e. the borrowers.

5. Learned AGP has submitted a copy of the Panchnama and Tabepavti, which indeed show that possession of the secured asset was taken yesterday i.e. on 09/06/2026.

6. We find that borrowers have been repeatedly trespassing into the subject property i.e. secured asset, as a consequence of which the petitioner-Bank is constrained to approach this Court for relief.

7. Considering the fact that the possession is now handed over to the petitioner-Bank, we are inclined to dispose of this petition.

8. Accordingly, the Writ Petition is disposed of. At the same time we direct respondent Nos. 5 to 7 i.e. the borrowers that they shall not make any attempts to trespass into the said property (secured asset). Today they are represented by learned counsel.

9. We further make it clear that in the event they take any steps to trespass into the said property (secured asset), it will be treated as gross contempt of this Court and appropriate action shall be taken against them.

10. Needless to say, the respondent State-authorities shall take appropriate action on the police complaint filed earlier by the petitioner-Bank against respondent Nos. 5 to 7 with regard to acts of trespass undertaken by them.

11. The Writ Petition stands disposed of.

12. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)