

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14482 OF 2025

ASREC (India) Limited Thr. Auth. .. Petitioner
Signatory

V/s.

State Of Maharashtra And Ors .. Respondents

Mr. Sanjay Anabhawane i/by Medha Rane, for Petitioner.

Mr. O.A. Chandurkar, Addl. G.P with Ms. G.R. Raghuwanshi, AGP, for Respondent / State.

Mr. Devendra Tiwari, for Respondent Nos. 5 and 6.

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

DATE : 17th MARCH 2026.

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1. Heard learned counsel for Petitioner.
2. We find this to be another case of blatant violation of the rule of law.
3. The Petitioner is a secured creditor, acting in accordance with the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Upon culmination of the process, by an order dated 12/01/2025, the competent Magistrate under Section 14 of the Securitisation Act has passed an order for physical possession of the secured asset being taken and handed over

to the Petitioner. A Court Commissioner was appointed for the said purpose. Therefore, the said order was duly executed and possession of the secured asset was taken on 14/02/2025, and panchnama to that effect is placed on record at Exhibit-'B'.

4. Thereafter, on 09/05/2025, the secured asset was again encroached upon and trespassed. In respect of the same, the Petitioner submitted a complaint before the Senior Police Inspector of Rabodi Police Station, Thane (West). It appears that no further action has been taken till date.

5. We find that secured creditors like the Petitioner herein are facing such difficulties repeatedly, as the possession of the secured asset itself takes a long time to be taken and after orders passed by the competent Magistrate under Section 14 of the Securitisation Act have been duly executed, the secured asset is again encroached and trespassed upon, in most cases by the borrowers and / or their representatives. This shows a complete breakdown of the rule of law and it cannot be permitted when it is brought to the notice of the writ Court.

6. In view of the above, we direct Respondent No. 3- Court Commissioner to issue notice for taking possession of the secured asset on 30th March 2026.

7. Respondent No. 4, Senior Police Inspector of Rabodi Police Station, Thane (West), shall provide adequate police assistance to Respondent No. 3 Court Commissioner, including providing lady constables for execution of the aforesaid direction of taking physical

possession of the secured asset on 30th March 2026. The police would be at liberty to use reasonable, proportionate and necessary force to ensure that the direction is complied with.

8. In the event, the direction issued by this Court is not complied with, the Respondent No. 4, Senior Police Inspector of Rabodi Police Station, Thane (West), shall remain personally present before this Court on the next date of hearing.

9. List under the caption for compliance on 2nd April 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)