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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15147 OF 2025

PNB Housing Finance Ltd. and Anr.

...Petitioners

Versus

The State Of Maharashtra
Through District Magistrate
and Ors.

...Respondents

Mr. Nikhil Rajani (Through V.C.) i/b V. Deshpande and Company for the
Petitioners.

Ms. Tanu N. Bhatia, AGP for Respondent Nos. 1 to 5.

Mr. Sandeep M. Phatak for Respondent Nos. 6 and 7.

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

DATE: 28th JANUARY 2026

P.C.

1. Heard Learned Counsel for the Petitioner, Learned AGP for Respondent/State Authority and Mr. Phatak, Learned Counsel who has instructions to appear on behalf of Respondent No.6, i.e., the borrower.

2. This Petition is another example of how mockery is being made of rule of law in this country as the secured creditor is required to knock the doors of the writ Court not once but twice for repossession of the secured asset.

3. The undisputed facts relating to filing of the present Writ Petition are that on 22nd April 2022 the jurisdictional Magistrate passed an order under Section 14 of the Securitisation and Reconstruction of Financial

Assets and Enforcement of Security Interest Act, 2002 for the Petitioner No.1 to take possession of the subject property, i.e., two flats constituting the secured asset.

4. On 15th May 2022, the Petitioner No.1 was put in possession of the subject property in pursuance of the order passed by the Magistrate. Immediately on the next date, i.e., on 16th May 2022 the borrowers encroached upon the said property and dispossessed the Petitioner No.1. In that context the Petitioner pursued the matter and eventually filed a Writ Petition before this Court bearing Writ Petition No. 2903 of 2025. By an order dated 8th August 2025, a Division Bench of this Court disposed of the Writ Petition by directing the Nayab Tahsildar to ensure that the possession of the secured asset was handed over to the Petitioner No.1 within a specific period of time. It was directed that the in charge of the concerned police station will render all possible co-operation. Pursuant thereto, on 19th September 2025, the Petitioner No.1 was put in possession of the said property being the secured asset. Shockingly on the very same day, i.e., on 19th September 2025 the Respondent/Borrower again encroached upon the said property. In this context, the Petitioners were constrained to approach the police and FIR dated 20th September 2025 was registered at Police Station Pimpri, Pimpri Chinchwad against the Respondent/Borrower. Thereafter, the Petitioners have been pursuing the

matter, but they are still left out of possession due which the instant Writ Petition has been filed.

5. In the earlier orders passed by a Division Bench of this Court (Coram : R.I. Chagla and Farhan Dubash, JJ) the Petitioners were directed to add the Borrower as Respondent party. Accordingly, the borrower was added as a Respondent who is today represented by a Counsel.

6. Learned Counsel for the Respondent No.6 Borrower is seeking time to file vakalatnama and reply. Adjournment is sought on the said ground and it is claimed that there is possibility of outstanding amount being repaid to the Petitioner No.1 and this factor may be taken into consideration.

7. We refuse to grant time to Respondent No.6/Borrower on the basis that the outstanding amount could be made good because this would amount to placing premium on the illegal acts of Respondent No.6, repeatedly undertaken to make a mockery of rule of law. In this particular case, Respondent No.6 has encroached upon the property not once but twice and on the second occasion after the Petitioner No.1 was put in possession as per order dated 8th August 2025 passed by a Division Bench of this Court in Writ Petition No. 2903 of 2025. There is no question of showing any indulgence to such a Respondent.

8. In fact, we may consider instituting Contempt Proceedings against Respondent No.6/Borrower for the aforesaid conduct.

9. Be that as it may, the Petitioners' plight must be addressed and while keeping the Writ Petition pending we intend to issue appropriate directions.

10. Accordingly, Respondent Nos. 2 to 5 are directed to take immediate steps to put the Petitioner No.1 in possession of the secured asset, i.e., the properties described at Exhibit "A" to the present Petition. Respondent Nos. 2 to 5 shall take necessary steps and ensure compliance with the said direction on or before 3rd February 2026. Respondent No.5, i.e., the Senior Inspector of Police attached to the Pimpri Police Station is directed to provide adequate police protection in support of the Respondent No.2 - Nayab Tahsildar, who shall ensure compliance with the aforesaid direction given by this Court.

11. It is made clear that no further time shall be granted to Respondent Nos. 2 to 5 to carry out said direction. A compliance report shall be placed before this Court on the next date of listing.

12. List the Petition for reporting compliance on 4th February 2026 High on Board.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)