

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17211 OF 2025**

Reliance Home Finance Ltd.,
Through its attorney Lalit Kamat ... Petitioner
vs.
The State of Maharashtra and others ... Respondents

Mr. Raviraj Gamare a/w. Ms. Priyanka G. Dubey, i/b. Mr. Santosh Jawale
for petitioner.

Ms. Kavita N. Solunke, Addl. GP a/w. Mr. R. S. Pawar, AGP for respondent
No.1-State.

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

DATE : 27th FEBRUARY, 2026

P.C. :

. Heard learned counsel for the petitioner.

2. The petitioner is a secured creditor. An order was passed by the competent Magistrate, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act). The said order was executed and possession was handed over to the petitioner on 22.04.2025. Thereafter, on 15.07.2025, the borrowers trespassed into the secured asset i.e. two shops. This act was clearly untenable and a mockery of the rule of law. The petitioner was constrained to cause an FIR to be registered on 17.07.2025 at Shree Nagar Police Station, Wagle Estate, Thane. Despite the petitioner pursuing the matter, the trespassers (original borrowers) continued to be illegally in possession of the secured asset. In this backdrop, the petitioner is constrained to approach this Court.

3. We have come across such cases, wherein the secured creditors are constrained to knock the doors of the Writ Court to seek

appropriate directions, as the borrowers and third parties are freely encroaching upon and trespassing the properties that were secured assets and possession of which was taken by the secured creditors in accordance with law.

4. In view of the above, we direct respondent No.3-Tahsildar, Thane to issue notice, fixing the date as 12.03.2026 for taking possession of the secured asset. On the said date, the said respondent shall ensure that the physical possession of the secured asset is taken from the trespassers, which may be the borrowers or third parties. The physical possession shall be handed over to the petitioner on the very same date.

5. Respondent No.5-Senior Inspector of Police, Shree Nagar Police Station, Wagle Estate, Thane, in whose jurisdiction the secured asset is located, shall provide appropriate and sufficient police assistance to the respondent No.3-Tahsildar, including providing sufficient police force along with lady constables, for execution of the direction given hereinabove. If necessary, reasonable and proportionate force shall be used by the team assisting the respondent No.3-Tahsildar, depending upon the situation that may arise on the said date. In any case, the direction shall be positively complied with.

6. It is made clear that if the aforesaid directions are not complied with, the Tahsildar Thane and the Senior Inspector of Police, Shree Nagar Police Station, Wagle Estate, Thane, shall remain personally present in this Court on the next date of listing.

7. List for compliance on 16.03.2026, High on Board.

(SHREERAM V. SHIRSAT, J)

(MANISH PITALE, J.)