

12. In the event, such an undertaking on affidavit is not filed within one week from today, respondent Nos. 2 to 5

shall take immediate steps for handing over vacant and physical possession of the subject flat to the petitioners, by taking appropriate steps in the matter.

13. In the event, the respondent No.8 after filing such an affidavit of undertaking, fails to abide by the same and does not hand over vacant and physical possession of the subject flat to the petitioners upon expiry of four weeks, the respondent Nos. 2 to 5 shall take necessary steps forthwith to ensure that the vacant and physical possession of the subject flat is handed over to the petitioners.

14. The writ petition is disposed of in above terms.

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

16. List the petition under the caption 'for compliance' on 25th February 2026, to be included in the supplementary list."

2. It is brought to our notice that respondent No.8 did not file undertaking on affidavit, as directed by this Court. As a consequence, the directions issued in paragraph 12 of the order dated 21st January 2026 came into operation and the respondent Nos.2 to 5 ought to have taken appropriate steps in the matter. It is reported that the directions issued by this Court have not been complied with. The learned AGP tendered a report submitted by the Circle Officer of Taluka Vasai, Dist. Palghar, through the Tehsildar, Vasai, stating the obstruction and difficulties faced when physical possession of the secured asset was sought to be taken yesterday i.e. 24th February 2026.

3. The learned counsel for the petitioners, on instructions, submits that the Circle Officer of Taluka Vasai, Dist. Palghar on instructions of respondent No.2-Tehsildar, Vasai reached at the place of the secured asset at about 4:40 p.m. for ensuring

compliance with the directions issued by this Court. Only one police constable was provided by the Vasai Police Station. The respondent No.8 created ruckus in the Police Station as well as at the site of the secured asset and thereby, obstructed compliance with the directions issued by this Court.

4. In such cases, where orders passed by competent Magistrates under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), are to be executed, we have found in writ jurisdiction that banks and financial institutions (secured creditors) are required to approach this Court and orders of the writ Court are also meeting with resistance from either the borrower or third party inducted by the borrower. This completely derails the rule of law and the majesty as well as the authority of the Court.

5. In that light, we are constrained to issue the following directions :

- (a) The respondent No.2-Tehsildar shall ensure that physical possession of the secured asset is taken and handed over to the petitioners on 5th March 2026.
- (b) The respondent No.2-Tehsildar, Vasai, shall personally ensure that the said direction is complied with.
- (c) The respondent No.5-Senior Inspector/in-charge of Vasai Police Station, shall provide appropriate police assistance, including lady constables to assist the respondent No.2-

Tehsildar, for complying with the aforesaid directions issued by this Court.

- (d) It shall be ensured that the physical possession of the secured asset is taken and handed over to the petitioners on the aforesaid date.
- (e) It is made clear that if the said direction is not complied with for any reason, respondent No.2-Tehsildar and respondent No.5-Senior Inspector/in-charge of Vasai Police Station, shall remain personally present in the Court on the next date of listing.

6. List the petition under the caption 'for compliance' on 6th March 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)