

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 688 OF 2026

Tata Capital Housing Finance Ltd. ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Girish Godbole, Senior Advocate, Mr. Vikas Salvi, Mr. Shazad Ansari, Ms. Ayman Khan and Mr. Omar Khaiyam Shaikh for the Petitioner.

Mr. O. A. Chandurkar, Addl. G. P. a/w Mr. R. S. Pawar, AGP for Respondent-State.

Mr. Abhijeet V. Jangale a/w Mr. Adesh Agarkar i/by Huma A. Shaikh and Rahil A. Siddiqui for Respondent Nos.3 and 4.

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

DATE : 16th JANUARY 2026

P.C. :

- . Heard learned senior counsel for the petitioner.
2. At the outset, the learned senior counsel for the petitioner submits that due to inadvertence, the Deputy Commissioner of Police has been shown as respondent by name and in that light, permission is sought to amend the cause title to delete the name of the said officer arrayed as respondent No.2, with a prayer that the Deputy Commissioner of Police may be permitted to be retained as respondent No.2.
3. In the interest of justice, we permit the said amendment. The amendment be carried out forthwith.

4. By this petition, the petitioner is seeking a direction to respondent Nos.1 and 2 for providing Police assistance in order that order dated 10th October 2022, passed by the Magistrate, is duly executed and possession of the subject property is handed over to the petitioner.

5. We find that the said order was passed under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). It appears that in the interregnum, the respondent-borrowers had initiated a plethora of proceedings, due to which the order could not be immediately put to execution. But, as on today, the proceedings have been appropriately dealt with and there is no impediment for execution of the said order. In that light, we find substance in the contention raised on behalf of the petitioner that as on today, there is no reason why immediate steps ought not to be taken by respondent Nos.1 and 2 to provide necessary Police assistance, so that the order dated 10th October 2022 passed by the Magistrate is duly executed.

6. If such orders are not executed with promptitude, it would certainly adversely affect the rule of law.

7. Hence, we direct respondent Nos.1 and 2 to provide all necessary Police assistance to the petitioner to execute forthwith the order dated 10th October 2022.

8. We expect the order to be executed and possession to be

handed over to the petitioner before the next date of listing.

9. List the petition for further consideration/disposal on 27th January 2026, to be included in the supplementary list.

10. In the meanwhile, the respondents who are appearing through Advocates, are permitted to file their reply affidavits.

11. All parties to act on an authenticated copy of this order.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)