

**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

**WITH
INTERIM APPLICATION (ST.) NO. 2097 OF 2026
IN
WRIT PETITION NO. 688 OF 2026**

Mr. Omar Khaiyam Shaikh a/w Mr. Vikas Salvi, Mr. Sahil Salvi, Ms. Ayman Khan, Mr. Shahzad Ansari and Mr. Manohar Shelar i/by Vikas Salvi & Associates for the Petitioner.

Mr. O. A. Chanduarkar, Addl. G. P., a/w Shri A. A. Alaspurkar, AGP for Respondent Nos.1 & 2-Sate.

Mr. P. C. Shah h/f Rahil A. Siddiqui Respondent Nos.3 & 4.

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

DATE : 30th JANUARY 2026

P.C. :

. By order dated 16th January 2026, in this writ petition, while issuing specific direction, we had made the following observations :

“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.”

2. The aforesaid order directed the respondent Nos.1 and 2 to ensure that proper police assistance was provided to the petitioner, so that possession of the subject property was handed over to the petitioner on or before next date of listing, which was 27th January 2026.

3. The said order dated 16th January 2026 passed by this Court was challenged by respondent Nos.3 and 4 by filing Special Leave Petition (Civil) No. 3472 of 2026. On 27th January 2026, the Supreme Court dismissed the writ petition on the first date of

listing, refusing to interfere with the aforesaid order dated 16th January 2026 passed by this Court.

4. Despite clear direction contained in the above quoted portion of our order dated 16th January 2026, we are informed that Mr. Vilas Rane, Senior Inspector of N. M. Joshi Marg Police Station, Mumbai, insisted upon the petitioner to give chronology of events with supporting documents when the petitioner approached the said Police Station for appropriate Police aid to abide by the direction contained in the above quoted portion of our order dated 16th January 2026. On 24th January 2026, the petitioner was constrained to provide detailed chronology of events along with supporting documents to the said Mr. Vilas Rane, Senior Inspector of N. M. Marg Police Station, Mumbai. Despite the petitioner providing all necessary documents and in the face of the specific direction given by this Court in the order dated 16th January 2026, the said Police Station failed to provide Police assistance to the petitioner. As a consequence, direction contained in our order dated 16th January 2026 has not been complied with. We find that the respondent Nos.1 and 2 and the Senior Inspector of the N. M. Joshi Marg Police Station, Mumbai, have shown scant regard for the order of this Court.

5. In view of the above, we direct respondent No.2 i.e. the Deputy Commissioner of Police (Law and Order), to personally supervise the handing over of the possession of the subject property to the petitioner before the next date, as we shall specify

herein below. We are constrained to issue the direction to such a Senior Officer for the reason that specific direction contained in our order dated 16th January 2026 has not been complied with. We also find the conduct of the Senior Inspector of N. M. Joshi Marg Police Station, Mumbai, to be reprehensible and it needs to be dealt with appropriately.

6. Accordingly, we direct that the petitioner shall be put in possession of the subject property by the respondent Nos.1 and 2 with assistance of the Senior Inspector of N. M. Joshi Marg Police Station, Mumbai, on or before 1st February 2026. As indicated hereinabove, the respondent No.2-Deputy Commissioner of Police (Law and Order) shall personally supervise the said operation and issue necessary directions for providing sufficient police assistance to the petitioner to take possession of the subject property. The Senior Inspector, N. M. Joshi Marg Police Station, Mumbai, shall ensure that sufficient police aid is provided to the petitioner and possession of the subject property is indeed handed over on or before the date, indicated hereinabove.

7. In any case, Mr. Vilas Rane, Senior Inspector of N. M. Joshi Marg Police Station, Mumbai, shall remain personally present in this Court on 3rd February 2026.

8. List this petition for further consideration/directions on 3rd February 2026, to be included in the supplementary list.

9. It appears that in terms of order dated 16th January 2026,

appropriate amendment was not carried out in the cause title. The said amendment shall be carried out forthwith.

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

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)