

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2981 OF 2026

Reliance Asset Reconstruction .. Petitioners
Company Limited And Anr

V/s.

The State Of Maharashtra Thr Thr .. Respondents
Honble District Magistrate And Ors

Mr. Charles Desouza (VC) with Nikhil Rajani, Ajay Deshmane, Pragati
Gothi i/by Deshpande and Co., for Petitioners.

Ms. G.R. Raghuwanshi, AGP, for Respondent Nos. 1 to 5/State.

Adv. Rashmin Khandekar with Suparna Holamagi, for Respondent No. 7

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

DATE : 6TH APRIL 2026.

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PC:

1. Heard learned counsel for the Petitioners.
2. By this Petition, the Petitioner No. 1 (secured creditor) is seeking a direction from this Court to the Respondent Nos. 2 to 5, being state Authorities, for ensuring execution of an order passed by the competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
3. As a matter of fact, in peculiar facts and circumstances of this case, it would amount to again executing the said order, which was executed and Petitioner No. 1 was put in possession of the secured

assets on 19/09/2025.

4. The background in which this Writ Petition has been filed is that after the aforesaid order of the Magistrate dated 01/07/2022 was duly executed on 19/09/2025 in terms of the possession receipt and panchnama placed on record at Exhibit-D, respondent No.7 filed Writ Petition No. 12438 of 2025 before this Court seeking restoration of possession.

5. It was claimed that the Petitioners herein had illegally taken possession of the said properties. The said Writ Petition was disposed of by an order dated 23/09/2025 by a Division Bench of this Court (Coram: R.I. Chagla and Farhan P. Dubhash, JJ). The Division Bench of this Court refused to entertain the Writ Petition as disputed questions of facts were raised and also in the backdrop of the fact that Respondent No.7 had already availed the statutory remedy of approaching Debts Recovery Tribunal-II, Mumbai (DRT) by filing Securitisation Application for appropriate reliefs.

6. In the said order dated 23/09/2025 passed in Writ Petition No. 12438 of 2025, the Division Bench of this Court also took note of the fact that Respondent No. 8 claimed to be a licensee of Respondent No. 7 and it was also raising a grievance of being dispossessed. Liberty was reserved for Respondent No.8 to approach the DRT in accordance with law.

7. Subsequently, both Respondent Nos. 7 and 8 approached the DRT. In Securitisation Application No. 431 of 2025 filed by Respondent No. 8 (Shah Garments), Minutes of Order were signed on 26/09/2025. Under the said Minutes of Order, considering the fact that Respondent No.8 was having certain advance orders during Diwali

Season for garments etc., said Respondent was granted restoration of possession for six weeks in part of the aforesaid properties so that it could honour such advance orders. It was agreed between Respondent No. 8 and Petitioner herein that the said Respondent would hand over possession of part of the said properties back to the Petitioner upon the expiry of six weeks.

8. It is the case of the Petitioner that although Respondent No.8 has shown willingness to hand over that part of the properties in which restoration of possession of was granted for six weeks, on each occasion that representative of Petitioner No.1 visits the said part of the properties, a lock of third party is found, and the Petitioner is unable to take physical possession. It is in this backdrop that the present Writ Petition has been filed.

9. When this Writ Petition was taken up for consideration on 12/03/2026, Respondent No. 7 appeared before this Court and stated that the Securitisation Application filed by the said Respondent was dismissed on 21/11/2025 by DRT and that Debt Recovery Appellate Tribunal (DRAT) had been moved, but the appeal had not been taken up for consideration. It was indicated that Respondent No.7 would make an attempt for urgent consideration of its appeal before DRAT. In that light, this Court adjourned the hearing on the present Writ Petition and observed that Respondent No. 7 was expected to move before the DRAT for urgent listing and liberty was also granted to the said Respondent to produce a copy of the order dated 12/03/2026 passed by this Court in the present Writ Petition, before the DRAT.

10. The learned counsel for the Petitioner submits that while an impression was sought to be given before this Court on the part of

Respondent No. 7 that it was in possession of the subject properties, while mentioning the matter before DRAT, it was stated that the said Respondent No. 7 was not in possession of the properties. As a consequence, the DRAT has not been able to grant urgent listing for the said appeal of Respondent No. 7.

11. In any case, it is submitted that since Respondent No. 7 itself had approached this Court by filing Writ Petition No. 12438 of 2025 seeking restoration of possession, it cannot claim to be lawfully in possession of the properties as of today.

12. It was further submitted that according to the Petitioner, Respondent No. 7 is also obstructing Respondent No.8 from giving possession back to the Petitioner in terms of the Minutes of Order dated 26/09/2025.

13. On the other hand, learned counsel appearing for Respondent No.7 submits that its case about the subject properties having nothing to do with the action undertaken under the provisions of Securitisation Act, has not been properly considered. The DRT refused to go into the question while the appeal of Respondent No. 7 is pending before DRAT without any orders. This Court was informed that Respondent No. 7 has recently, on 04/04/2026, filed a suit before the competent Court at Bhiwandi for redressal of its grievances.

14. Even if the contentions raised on behalf of Respondent No. 7 are taken into account, we find that as per the said respondent itself, when Writ Petition No. 12438 of 2025 was filed, it had been dispossessed from the properties specifically mentioned in the order dated 01/07/2022 passed by competent Magistrate. This is also evident from the document at Exhibit- D to the Writ Petition consisting of Tabapawti,

(possession receipt) and panchanama showing that the Petitioner, as a secured creditor was put in physical possession of the said properties on 19/09/2025.

15. It was only the Respondent No. 8 which was put back in possession of part of the said properties as per the Minutes of Order dated 26/09/2025 in peculiar circumstances with a specific stipulation that at the expiry of the period of six weeks from 26/09/2025, the Petitioner would be put back in possession of that part of the property which was given to Respondent No.8-Shah Garments for a limited period of time.

16. In the face of the aforesaid facts, we are unable to appreciate the resistance now shown by Respondent No.7 to the prayer made in the present Writ Petition. Either Respondent No.7 is not in possession of the properties as a consequence of execution of the order of Magistrate on 19/09/2025 or it has trespassed into the said property after 19/09/2025. In either case, the Petitioners are justified in moving this Court in this present Writ Petition for execution of the order of Magistrate, once again, in the peculiar facts and circumstances of the present case.

17. We are of the opinion that unless positive directions are issued as sought by Petitioner No. 1, which is a secured creditor, it would be a violation of the rule of law and it would not be appropriate to allow Respondent No.7 and/or Respondent No.8 or any third party to continue in possession of the secured assets of which possession was taken by Petitioner No.1 (secured creditor) on 19/09/2025.

18. In view of the above, the Writ Petition is allowed.

19. Respondent No. 2, Tahsildar, Bhiwandi, (Thane) is directed to

take possession of the aforesaid properties specifically mentioned in the order dated 01/07/2022 passed by the District Magistrate-Thane.

20. Respondent No. 2-Tahsildar,Bhiwandi, Thane, shall take physical possession of the said properties from whosoever is in possession and hand them over to Petitioner No.1 on 10th April 2026.

21. Respondent No. 5, Senior Inspector of Police, Gramin Police Station, Thane, shall provide police assistance to the Petitioner No. 1 in executing the aforesaid directions.

22. Respondent No. 5, Senior Inspector of Police, Gramin Police Station, Thane shall provide police assistance including lady constables who shall use reasonable, adequate and necessary force to ensure that the physical possession of the said properties is handed over to Petitioner No.1 on 10th April 2026.

23. It is made clear that if the said directions passed by this Court are not complied with, Respondent No.2-Tahsildar, Bhiwandi and Senior Inspector of Police, Gramin Police Station, Thane shall personally remain present before this Court on the next date of hearing.

24. List under the caption for compliance on 16th April 2026.

25. It is made clear that Respondent No. 7 would be at liberty to pursue its remedies, including pending appeal before DRAT and the aforementioned suit, said to have been filed before the competent Court at Bhiwandi.

26. Needless to say, this order will not come in the way of Respondent No.7 agitating its substantial rights in the aforementioned proceedings, in accordance with law.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)