

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3239 OF 2026

M/s. Mahesh Silk House and others	...	Petitioners
Vs.		
Authorized Officer, ASREC (India) Limited	...	Respondent

None for Petitioners.

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

DATE : APRIL 02, 2026

P.C. :

. None for the petitioners.

2. By this petition, the petitioners are assailing notice dated 10.02.2026 issued for taking possession of the subject property on 05.03.2026. The said action has been taken at the behest of the respondent-secured creditor under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act').

3. We find that the documents filed along with the petition show that the petitioners have already approached the Debt Recovery Tribunal - III at Mumbai (DRT) by filing Securitisation Application No.49 of 2025, assailing the action undertaken by the respondent-secured creditor under the provisions of the Securitisation Act. Interim applications are also filed in the said Securitisation Application and copies of the same are annexed to this petition. Since the petitioners have already availed of the statutory remedy available to them, we find no reason to entertain the present writ petition.

4. Even otherwise, the Supreme Court in the case of *United Bank of India Vs. Satyawati Tandon and others*, **(2010) 8 SCC 110** has specifically held in paragraphs 42 to 45 that the High Court exercising writ jurisdiction ought not to entertain writ petitions in the light of availability of the aforesaid alternative remedy of approaching the DRT under the provisions of the Securitisation Act. As a matter of fact, in a recent judgement of the Supreme Court in the case of *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others*, **(2024) 2 SCC 1**, in paragraph 101, the Supreme Court has been constrained to observe as follows:-

“**101.** More than a decade back, this Court had expressed serious concern despite its repeated pronouncements in regard to the High Courts ignoring the availability of statutory remedies under the RDBFI Act and the SARFAESI Act and exercise of jurisdiction under Article 226 of the Constitution. Even after, the decision of this Court in *Satyawati Tandon*, it appears that the High Courts have continued to exercise its writ jurisdiction under Article 226 ignoring the statutory remedies under the RDBFI Act and the SARFAESI Act.”

5. It is evident that in the light of the said position of law, the present writ petition cannot be entertained. As noted hereinabove, the petitioners have already taken recourse to the statutory remedy under the provisions of the Securitisation Act, and therefore, the present writ petition cannot be entertained.

6. In view of the above, the writ petition is dismissed.

7. Pending applications, if any, also stand dismissed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)