

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3605 OF 2026

Ramesh Avdhesh Singh And Ors .. Petitioners

V/s.

Aryan Construction and Ors. .. Respondents

Mr. Darshan Patankar with Ismail Nasiruddin Sayed i/by Raj Dani, for
Petitioners.

None for the Respondents.

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

DATE : 23RD MARCH 2026.

PC:

1. Heard the learned counsel for the Petitioners.
2. By this Writ Petition, the Petitioners have impugned action being taken by Respondent No. 4 (secured creditor) in respect of certain flats, said to be in possession of the Petitioners.
3. It is contended that there is grave urgency in the matter, for the reason that possession of the flats is likely to be taken today i.e. 23/03/2026, on the basis of a notice issued by the Tahasildar in pursuance of the orders passed by the competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

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4. The said notice was issued on 30/01/2026 and the grievance of the petitioners is that the notice is not even addressed to them and it is addressed to the borrowers in respect of whom Respondent No.4 has initiated action under the provisions of the Securitisation Act.

5. Although we do see the urgency in the matter, but it is an admitted position that the Petitioner Nos. 1 to 4 have already filed Regular Civil Suit No. 418 of 2022, which is pending before the Court of Civil Judge Junior Division, Vasai, where they have raised a ground of fraud committed by Respondent No. 1, by selling the flats to the said borrowers as well as the Petitioners and other such grounds.

6. According to the learned counsel for the Petitioners, the suit is still pending, and effective orders have not been passed till date.

7. We find that even according to the Petitioners they became aware about the likelihood of possession being taken today i.e. 23/03/2026, at least ten days ago i.e. on 12/03/2026. Nothing prevented the Petitioners from moving the aforesaid Court where the suit is pending for urgent interim/interlocutory orders.

8. Instead, the Petitioners chose to file the present Writ Petition and it has been circulated today when the possession is likely to be taken.

9. We are of the opinion that since the Petitioner Nos. 1 to 4 had already moved the concerned Civil Court, specifically alleging fraud as one of the grounds and being aware about the fact that Respondent No.4 (secured creditor) was pressing for reliefs under the Securitisation Act, they ought to have moved the said Court where the suit is pending for appropriate interlocutory reliefs from the year 2022

onward.

10. It is only when the aforesaid notice dated 30/01/2026 has been issued and the Tahasildar is likely to take action for taking possession of the flats that the Petitioners have rushed to the writ Court

12. It would not be appropriate to grant any interlocutory reliefs/ protection in the backdrop of these facts and therefore, we are not inclined to entertain this petition.

13. In any case, the Petitioner Nos. 1 to 4 were aware about the proceedings initiated by Respondent No.4 (secured creditor). Under provisions of Securitisation Act, any person aggrieved by such proceedings could have taken recourse to the remedy available under the said Act by moving appropriate proceedings before the Debt Recovery Tribunal (DRT). Instead, the Petitioner Nos. 1 to 4 have chosen to move the Civil Court on the ground that fraud has been perpetrated on them. Having chosen such a remedy, it would not be appropriate for this Court to show indulgence by entertaining the present Writ Petition and granting any interlocutory orders.

14. In view of the above, the Writ Petition is dismissed. However, the Petitioners are at liberty to move the aforesaid Court i.e. Court of Civil Judge Junior Division, Vasai for urgent interim orders. If such application is moved, the aforesaid Court shall take up the application for urgent interim reliefs and pass the orders in accordance with law at the earliest.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)