

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4202 OF 2026

Aavas Financiers Limited (Formerly .. Petitioner
Known As Au Housing Finance
Limited

V/s.

The State Of Maharashtra Thr Govt .. Respondents
Pleader And Ors

Mr. Sanjay Anabhuwane i/by Medha Rane, for Petitioner.

Mr. Ganesh Patil, for Intervenors.

Ms. Tanu Bhatia, AGP, for the State/Respondent No. 1

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

DATE : 16TH APRIL 2026.

PC:

1. The Petitioner is a secured creditor, which has approached this Court seeking appropriate directions to the respondent-State authorities, in the light of the fact that an order passed by the Competent Magistrate as far back as on 13/11/2024 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, has not been executed till date.

2. Learned counsel for the Petitioner has invited the attention of this Court to Exhibits-D and E, wherein the Circle Officer of Ambarnath has issued notices for taking physical possession of the secured asset,

but the orders have not been executed due to lack of police assistance.

3. The failure on the part of Respondent-State machinery in providing appropriate assistance for taking physical possession of the secured asset after lawful proceedings have been undertaken under the provisions of Securitisation Act shows breakdown of the rule of law and such a situation requires urgent remedial action.

4. We also find that the procedure adopted in the present case, in the form of the Circle Officer issuing notices for taking physical possession, is in the teeth of the law clarified by this Court in the cases of **'AU Small Finance Bank Ltd Vs. State of Maharashtra and Ors'**¹, **'Punjab National Bank Vs. State of Maharashtra and Ors'**² and **'Muthoot Housing Finance Company Limited and others Vs State of Maharashtra and others'**³.

5. It is evident that the Tahsildar i.e. Respondent No.3 herein is the authority who is required to act in pursuance of such orders passed by Competent Magistrate under Section 14 of the Securitisation Act and that there cannot be any further sub-delegation in the matter.

6. In view of the repeated failure of Respondent-Authorities in ensuring timely execution of the order passed by the Competent Magistrate in the present case, we are inclined to issue appropriate directions.

7. In view of the above, Respondent No.3-Tahsildar, Ambarnath is directed to take physical possession of the subject secured asset on 30th April 2026.

8. Respondent No. 3-Tahsildar, Ambarnath shall not sub-delegate

1 2020 SCC online bom 3863

2 2019 SCC online bom 11540

3 WP/9108/2025 dt. 30/03/2026.

the authority to any other officer.

9. Respondent No.5, Senior Inspector of Police, Shivaji Nagar Police Station, Ambernath, District-Thane shall provide appropriate police assistance including providing lady constables to the Respondent No.3-Tahsildar while executing the aforesaid directions.

10. The police shall use reasonable, appropriate and necessary force to take physical possession of the secured asset, to be handed over on the same day to the Petitioner (secured creditor).

11. It is made clear that in the event the aforesaid directions of this Court are not complied with, Respondent No.3-Tahsildar, Ambernath, District-Thane and Respondent No.5, Senior Inspector of Police, Shivaji Nagar Police Station, Ambernath, District-Thane shall remain personally present in this Court on the next date of listing.

12. List under the caption for compliance on 5th May 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)