

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4232 OF 2026

Kotak Mahindra Bank Ltd. Thr. Its .. Petitioner
Autho. Officer Udaykumar Shetty

V/s.

State Of Maharashtra Thr. G.P. and .. Respondents
Ors

Mr. Sanjay Anubhawane i/by Medha Rane, for Petitioner.
Ms. G.R. Raghuwanshi, AGP, for Respondent No.1/State.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.
DATE : 16TH APRIL 2026.

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1. The Petitioner is a secured creditor, constrained to approach this Court seeking appropriate directions against the Respondent-State Authorities for ensuring that the order passed by the Competent Magistrate as far back as on 23/06/2011 under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is duly executed.
2. It is brought to our notice that in the interregnum some third party had approached the Debts Recovery Tribunal and after the said proceedings reached culmination and no impediment remained for the petitioner to proceed to take physical possession of the secured asset,

the matter was pursued with Respondent No. 3-Tahsildar.

3. It is brought to our notice that Respondent No.3-Tahsildar issued notice on three occasions for taking physical possession of the secured asset. The last such notice specified the date of 16/10/2025 for taking physical possession. But, the physical possession could not be taken due to lack of proper police assistance.

4. We are of the opinion that if such orders passed in favour of the Petitioner (secured creditor) are not executed in an appropriate and prompt manner, it would lead to the breakdown of the rule of law.

5. The State authorities are expected to provide appropriate and meaningful assistance for the execution of such orders passed by the Competent Magistrate.

6. In view of the above, we direct the Respondent No.3 i.e. Tahsildar, Thane to take physical possession of the secured asset on 30th April 2026.

7. Respondent No.4-Senior Inspector of Police, Kalwa Police Station, Kalwa, Thane shall provide appropriate police assistance, including lady constables, to assist Respondent No.3-Tahsildar to execute the aforesaid directions.

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

9. It is made clear that in the event the aforesaid directions of this Court are not complied with, the Respondent No.3-Tahsildar, Thane and Respondent No.4-Senior Inspector of Police, Kalwa Police Station, Kalwa, Thane shall remain personally present in this Court on the next date of listing.

10. List under the caption for compliance on 4th May 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)