

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4303 OF 2026
AND
WRIT PETITION NO.4387 OF 2026

SVC Co-operative Bank Limited and another ... Petitioners
Vs.
State of Maharashtra through District Magistrate
Pune and others ... Respondents

Mr. Nikhil Rajani a/w. Mr. Ajay Deshmane i/b. V. Deshpande & Co. for
Petitioners.

Mr. Nazir Ibrahim Tamboli for Respondent Nos.6 and 7.

Smt. P. M. J. Deshpande, AGP for Respondent No.1 State in WP/4303/2026.

Smt. G. R. Raghuwanshi, AGP for Respondent No.1-State in WP/4387/2026.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : APRIL 09, 2026

P.C. :

. The petitioner bank (secured creditor) is constrained to file these two writ petitions in the context of two properties that were the secured assets i.e. flat Nos.205 and 206 in ‘Toran Sparsh’ building at Gat No.602, Village - Khopi, Taluka - Bhore, District - Pune.

2. Since respondent Nos.6 and 7 i.e. the borrowers defaulted in repayment of loan, the petitioner bank was constrained to invoke the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short ‘Securitisation Act’). After taking steps under Sections 13(2) and 13(4) of the Securitisation Act, the petitioner approached the Competent Magistrate under Section 14 thereof. On the basis of the order passed by the Competent Magistrate, the petitioner bank undertook necessary steps

with the assistance of the respondent State authorities to take physical possession of the secured assets.

3. The documents placed on record along with these petitions show that on 27.09.2024, the petitioner bank could take physical possession of the said two flats with the assistance of respondent No.2 - Nayab Tahsildar, Bhore, Pune. It is recorded that the flats were locked and hence, the locks had to be broken open and physical possession was taken.

4. It is brought to our notice that thereafter attempts were made to conduct auction sale of the said flats. When the fourth such attempt was to be made on 12.02.2026 and inspection of the flats was undertaken, it came to light that the said flats had been trespassed. In flat No.205, some third party was in physical possession and in flat No.206, respondent Nos.6 and 7 i.e. the borrowers had trespassed and they were in physical possession. In that light, the petitioner bank was constrained to approach the respondent police inspector of the concerned police station to take necessary steps to restore possession of the secured assets with the petitioner bank (secured creditor). Since the respondent authorities have not been able to take necessary steps in the matter, the petitioner bank is constrained to approach this Court by filing these two writ petitions. Respondent Nos.1 to 5, being the authorities of the State, are represented by the learned AGP, while respondent Nos.6 and 7 are represented by the counsel.

5. Mr. Rajani, learned counsel for the petitioner relied upon the documents filed along with the petitions and submitted that this Court may consider issuing appropriate directions to the respondent State authorities to ensure that the petitioner bank is put back in possession of the said flats. It is submitted that the respondent Nos.6 and 7 have acted in a most illegal manner by trespassing on to the properties that were already handed over in accordance with law to the petitioner bank.

6. Mr. Tamboli, learned counsel for respondent Nos.6 and 7 submits that the said respondents have approached the Debt Recovery Tribunal (DRT) and that the next date of listing in the said proceeding is 05.05.2026. It is submitted that the said respondents are contesting their case before the DRT and therefore, this Court may not pass any orders as prayed for by the petitioner Bank.

7. Learned AGPs assure this Court that directions that may be issued in these writ petitions would be complied with by the authorities of the State.

8. We find that from the District of Pune, such cases of blatant violation of rule of law are frequently being agitated before this Court. The secured creditors, like the petitioner bank, are required to knock the doors of the writ court in the light of repeated trespass on properties that are secured assets and possession of which is taken by the secured creditors in accordance with law, after following the due process as specified in the Securitisation Act. It is observed that particularly in the District of Pune, such activities by borrowers and third parties of trespassing into properties that are secured assets has become rampant and there appears to be repeated violation of rule of law. The writ court cannot be a mute spectator in such circumstances and appropriate directions are required to be issued.

9. As regards the submission made on behalf of the respondent Nos.6 and 7 borrowers that they are pursuing their remedy before the DRT, suffice it to say that the said respondents are not being interdicted from pursuing their remedy. But, this Court cannot grant premium to their aforesaid activity of blatantly violating rule of law and trespassing into properties, physical possession of which was duly handed over to the petitioner bank (secured creditor) after following the procedure prescribed under the Securitisation Act. Hence, the writ petitions deserve

to be allowed and appropriate directions are required to be issued to the respondent State authorities.

10. In view of the above, the writ petitions are allowed.

11. Respondent No.2 - Nayab Tahsildar, Bhore, Pune is directed to take physical possession of the aforesaid properties on 21.04.2026. Since the respondent Nos.6 and 7 borrowers are already before this Court, no separate notice is required to be issued.

12. Respondent No.5 - Senior Inspector attached to Rajgad, Bhore Police Station is directed to provide appropriate police assistance, including lady constables to the said Nayab Tahsildar for taking physical possession of the secured assets in terms of the directions given hereinabove.

13. The police team accompanying the said Nayab Tahsildar shall use reasonable and necessary force, if required, to take physical possession of the secured assets for handing over the same to the petitioner bank on the aforesaid date specified by this Court.

14. It is made clear that the aforesaid directions shall be complied with scrupulously, failing which, on the next date of listing, the respondent No.2 Nayab Tahsildar, Bhore, Pune and respondent No.5 Senior Inspector attached to Rajgad, Bhore Police Station shall remain personally present in this Court.

15. List the petition under the caption 'for compliance' on 24.04.2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)