

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4789 OF 2026

Rajendra Kumar Mishra	...	Petitioner
Versus		
State of Maharashtra and Others	...	Respondents

Ms. Maniksha Sharma, for the Petitioner.
Smt. G.r. Raghuwanshi, AGP for Respondent No. 1.
Mr. Ashutosh Gole, for Respondent No. 8.

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

DATE : 18th APRIL, 2026

P.C. :

1. On 16th April, 2026 this Court had passed the following order.

“1. Heard learned counsel for the petitioner for some time.

2. It is claimed that the respondents have been privately served, including Respondent No. 2, i.e. the secured creditor, who is likely to take possession of the subject property, in pursuance of proceedings undertaken under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. We find that the petitioner has also filed a suit before the concerned Civil Court challenging the actions of the respondents, seeking a declaration of title and also for cancellation of certain registered instruments on the ground of fraud. It appears that the petitioner was advised to join certain authorities of the State as defendants in the suit, necessitating an application for waiver of notice under Section 80 of the Code of Civil Procedure, 1908 (CPC) to the defendant State authorities. The application was rejected by an order dated 27/03/2026 passed by the concerned Civil Court and the petitioner (plaintiff) was directed to comply with the requirement of Section 80 of the CPC.

4. Extreme urgency is projected on behalf of the petitioner on the ground that recently, on 01/04/2026, the respondent Tahsildar, Mira Bhayander has issued a notice about taking physical possession of the subject property on 22/04/2026.

5. We are of the opinion that the predicament in which the petitioner finds himself is partly his own creation, as he added State authorities as parties to the suit, leading to complications.

6. Nonetheless, we are of the opinion that unless we are satisfied that proper notice has been given to Respondent No. 2 (secured creditor), it would not be appropriate to even consider the prayer for urgent ad-interim/interim relief.

7. In view of the above, list this petition under the same category of fresh matters on 18th April, 2026 (working Saturday). In the meanwhile, the petitioner shall place on record an affidavit of service along with proof of service upon the respondents. Additionally, the petitioner shall further inform Respondent No. 2 about the next date of listing of this petition.”

2. The learned counsel for the petitioner tendered an affidavit of service.

The same is taken on record. But in the midst of hearing of this petition, certain facts came to light due to which one of us (Shreeram V. Shirsat, J.) will not be able to take up this petition for consideration.

3. In view of above, not to be listed before a Bench of which (Shreeram V. Shirsat, J.) is a member.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)