

(This order is corrected as per speaking to minutes order dated 22.04.2026.)

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

WRIT PETITION NO. 4796 OF 2026

Bank of Maharashtra
through POA Sanjeev Varma ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Sanjay Anabhawane i/by Medha Rane for the Petitioner.
Mrs. Tanu N. Bhatia, AGP for Respondent No.1-State.
Mr. Hrishikesh S. Shinde (through V.C.) a/w Mr. Anish Deshpande
for Respondent Nos.5 and 6.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.
DATE : 17th APRIL 2026**

P.C. :

. Heard learned counsel for the petitioner-bank (secured creditor).

2. This case is another instance of scant respect for rule of law insofar as District Pune is concerned, in the context of secured creditors being harassed repeatedly by the original borrowers.

3. The documents on record show that the petitioner-bank proceeded in terms of the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act) and approached the Competent Magistrate under Section 14 thereof for appropriate order for taking physical possession of the secured asset. On 7th December 2023, the Competent Magistrate allowed the

application and issued necessary directions. On 29th February 2024, physical possession of the secured asset was taken through the Court Commissioner, but the borrowers trespassed into the said property, due to which the petitioner-bank was constrained to approach the Competent Magistrate again for an appropriate order.

4. On 8th August 2025, the Competent Magistrate again issued an order appointing Court Commissioner for the purpose of taking physical possession of the secured asset, in which the borrowers had encroached. On 7th October 2025, physical possession of the secured asset could be taken on the second occasion. Shockingly, the borrowers again trespassed into the said property (secured asset), in the context of which, the petitioner-bank was constrained to cause FIR No.0625 of 2025 to be registered on 14th October 2025 at MIDC Bhosari Police Station, Pune-Chinchwad, Pune.

5. It is in this backdrop that the petitioner-bank is constrained to knock the doors of the writ Court for appropriate directions in the matter.

6. We are of the opinion that unless urgent directions are issued, it would amount to a mockery of the rule of law.

7. Respondent Nos. 5 and 6, being the original borrowers, are represented by a counsel, who has joined the proceedings through video-conferencing. He is seeking adjournment in

order to assist this Court.

8. We are of the opinion that the scope of the present writ petition is concerned with appropriate directions to be issued to the respondent State authorities to ensure that the rule of law is followed. The learned counsel for respondent Nos. 5 & 6 could not even dispute the fact that they trespassed into the property and hence, no adjournment can be granted on their request.

9. In view of the above, respondent No.3-Court Commissioner is directed to take physical possession of the subject property (secured asset) on 5th May 2026. The respondent No.4-Senior Inspector of Police, MIDC Bhosari Police Station, Pune-Chinchwad, Pune, shall provide appropriate number of police personnel to assist the respondent No.3-Court Commissioner in executing the said direction. This would include lady constables. The police shall apply appropriate, reasonable and necessary force to take physical possession of the secured asset to handover the same, on the same date, to the petitioner-bank.

10. It is made clear that if the directions given hereinabove are not complied with, the respondent No.4-Senior Inspector of Police, MIDC Bhosari Police Station, Pune-Chinchwad, Pune, shall remain personally present in this Court, on the next date of listing.

11. List under the caption 'for compliance' on 6th May 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)