

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5909 OF 2026

Dombivli Nagari Sahakari Bank .. Petitioner
Ltd Thru Authorized

V/S.

The State Of Maharashtra .. Respondents
Thru Secretary And Ors

Mr. Sanjay Anabhuwane with Pranay Juvekar i/by Medha Rane, for the
Petitioner.

Ms. T.N. Bhatia, AGP, for respondent / State.

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

DATE : 6TH MAY 2026.

PC:

1. The petitioner - bank is a secured creditor, constrained to approach this Court to seek appropriate directions against the Respondent- State Authorities.

2. This is another case of blatant violation of the rule of law, as physical possession lawfully obtained by the petitioner-bank of the secured asset has been violated by the borrower, allegedly at the behest of an organisation.

3. We are of the opinion that unless appropriate directions are immediately issued and physical possession is restored to the petitioner-bank, it would amount to a continued violation of the rule of law and an illustration of the abject failure of the State Authorities to

ensure that the rule of law is followed.

4. The documents placed on record show that on 20/02/2024, the Chief Judicial Magistrate, Nashik, passed an order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, directing that physical possession of the secured asset be taken and handed over to the petitioner-bank. In order to execute the said order, the Assistant Superintendent attached to the Court of Judicial Magistrate First Class, (JMFC), Nashik, was appointed as a Court Commissioner and the Senior Inspector of police at Ambad Police Station was directed to provide appropriate assistance to the said Court Commissioner.

5. The aforesaid order passed by the Magistrate was executed on 09/04/2025 and physical possession of the secured asset was handed over to the petitioner-bank. Thereafter, on 05/05/2025, the borrower trespassed into the secured asset and effectively dispossessed the petitioner-bank. In that light, on the very same day i.e. 05/05/2025 the petitioner-bank, through its officer, submitted a complaint before Respondent No. 4, Senior Inspector of Police, Ambad Police Station, Nashik. The petitioner-bank was also constrained to send a communication on 19/05/2025 to the Commissioner of Police of Nashik, raising a grievance and highlighting the blatantly illegal manner in which borrower had trespassed into the said property i.e. secured asset. But, no steps were taken to address the grievance of the petitioner-bank.

6. In view of the above, we are of the opinion that appropriate directions need to be immediately issued to restore the possession of the petitioner-bank. Accordingly, respondent No. 2, Court

Commissioner i.e. Assistant Superintendent attached to the Court of JMFC, Nashik, Court - 1 is directed to take physical possession of the secured asset on 22/05/2026.

7. Respondent No. 4, Senior Inspector of Police, Ambad Police Station, Nashik, is directed to provide appropriate assistance to respondent No.2-Court Commissioner, including providing sufficient police personnel and lady constables for executing the aforesaid direction issued by this Court. The Police shall use reasonable, proper and necessary force to take physical possession of the secured asset and hand it over to the petitioner-bank on the same very day.

8. It is made clear that if the directions issued by this Court are not complied with, Respondent No.4-Senior Inspector of Police, Ambad Police Station, Nashik, shall remain personally present in this Court on the next date of listing.

9. Needless to say, the charges for providing such assistance by the police shall be deposited by the petitioner-Bank. We further direct that the petitioner - Bank at its own expense, shall video-graph the process of taking the physical possession for reference in the future, if required.

10. List under the caption 'for compliance' on 12th June 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)