

The Tehsildar and Ors .. Respondents

Ms. Kalpana Purohit, Chief Manager and Mr. Pulkit, Officer of
Petitioner, Present.

DATE : 5TH MAY 2026.

PC:

1. The petitioner - Bank is a secured creditor.
2. The petitioner is seeking specific directions against the respondent-State authorities for assistance and taking physical possession of the secured asset in pursuance of the order dated 18/02/2026 passed by the Competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.
3. It is submitted that on an earlier occasion, the petitioner-bank was constrained to approach this Court by filing Writ Petition No. 2417 of 2026 when the Magistrate had failed to decide the application filed under Section 14 of the Securitisation Act within the stipulated period

of time.

4. When the petition came up for consideration on 24/02/2026, it was disposed of as infructuous, as in the meanwhile, the Magistrate had passed the aforesaid order dated 18/02/2026. It is highlighted that even while disposing of the said Writ Petition No. 2417 of 2026, this Court had directed the Tahsildar to expeditiously act in furtherance of the said order of the Magistrate.

5. It is submitted that thereafter respondent No.1, Tahsildar, had fixed 15/04/2026 as the date for taking physical possession of the secured asset. But, on the said date when the police personnel were present, respondent No.1-Tahsildar remained absent, and the said notice for taking physical possession could not be executed.

6. We are of the opinion that delay in execution of such orders of the Magistrate goes against the very object of the enactment of the Securitisation Act. As a matter of fact, it is a violation of the rule of law when such orders lawfully passed by the Competent Magistrate are not immediately executed.

7. This encourages defaulters/ borrowers in continuing with possession of such secured assets.

8. We are inclined to issue appropriate directions in the present Writ Petition.

9. Accordingly, respondent No.1-Tahsildar, Thane, is directed to fix the date for taking physical possession of the secured asset as 18th May 2026. Respondent No.3, Senior Inspector of Police, APMC Police Station, New Mumbai, is directed to provide appropriate assistance to the said Tahsildar for executing the direction issued by this Court. We further direct that the respondent No.1-Tahsildar shall personally

remain present on the said date for taking physical possession of the secured asset and handing it over to the petitioner-Bank on the same day. Respondent No. 3, Senior Inspector of Police, Navi Mumbai shall provide an appropriate team of police assistance, including lady constables, to assist Respondent No.1-Tahsildar. The police shall use reasonable, proper and necessary force to execute the directions issued by this Court.

10. It is made clear that if the directions issued in this order are not complied with, Respondent No.1-Tahsildar, Thane and Respondent No.3-Senior Inspector of Police, Navi Mumbai shall remain personally present in this Court on the next date of listing.

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

12. 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 future, if required.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)