

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

WRIT PETITION NO. 3648 OF 2026

Aadhar Housing Finance Limited,
through its Authorized Officer ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. B. S. Choure (through V.C.) for the Petitioner.
Ms. T. N. Bhatia, AGP for Respondent-State.

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

DATE : 2nd APRIL 2026

P.C. :

. The petitioner is a secured creditor and it is aggrieved by the borrowers trespassing the secured asset, possession of which was taken on 2nd December 2024, in pursuance of an order passed by the competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act).

2. It is the specific grievance of the petitioner that thereafter on 20th December 2024, the borrowers trespassed into the said property (secured asset), thereby frustrating the process undertaken by the petitioner under the provisions of the Securitisation Act. In this regard, written complaint was submitted on 23rd December 2024 and also on 16th March 2025 before the

concerned Police Station. It appears that although the petitioner has been approaching the respondent-Authorities, no steps have been taken in that regard.

3. We are of the opinion that the acts of borrowers in trespassing into the secured asset in the aforesaid manner, makes a mockery of rule of law and that such situations have to be dealt with by an iron hand, so that the majesty of law is restored.

4. In this regard, the respondent-Authorities are expected to cooperate with the petitioner (secured creditor).

5. The trespass of the secured asset in the present case has prevailed for more than a year and therefore, immediate action is warranted.

6. In view of the above, respondent No.2-Executive Magistrate/Tehsildar, Haveli, Dist. Pune is directed to take possession of the secured asset on 20th April 2026. Notice in that regard shall be issued. Respondent No.3-Senior Police Inspector, Fursungi Police Station, Pune, is directed to provide adequate police assistance to the respondent No.2 for executing the aforesaid direction. Sufficient police personnel, including lady constables, shall be made available, who shall use reasonable, adequate and necessary force for taking physical possession of the secured asset and handing it over to the petitioner.

7. It is made clear that if the aforesaid directions are not complied with, respondent No.2-Executive Magistrate/Tehsildar,

Haveli, Dist. Pune and respondent No.3-Senior Police Inspector, Fursungi Police Station, Dist. Pune, shall remain personally present in Court, on the next date of listing.

8. List under the caption 'for compliance' on 23rd April 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)