

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

WRIT PETITION NO. 3007 OF 2026

Jana Small Finance Bank Ltd.
through Mohammed Abdul Khalid ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Balasaheb B. Choure (through V.C.) for the Petitioner.
Mr. R. S. Pawar, AGP for Respondent-State.

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

DATE : 7th APRIL 2026

P.C. :

- . Heard learned counsel for the petitioner (secured creditor).
2. By this petition, the petitioner is seeking an appropriate direction against respondent Nos.2 and 4 to ensure that the 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) is executed and the petitioner is put back in possession.
3. This is a case where an order dated 18th June 2024 passed by the Competent Magistrate was duly executed on 24th September 2024 in terms of the *taba pavati* placed on record at Exhibit 'C'. But, the borrower trespassed into the property (secured asset) in complete violation of rule of law.
4. It is brought to our notice that the petitioner was constrained to approach respondent No.4-Superintendent of

Police, Thane, on 15th November 2025, with its grievance and the petitioner also submitted an application before the Competent Magistrate on 11th December 2025 for re-execution of the said order, but till date, no further steps have been taken in the matter. Reliance is also placed on judgment and order dated 28th February 2023 passed by a Division Bench of this Court in Writ Petition No. 10069 of 2022 (*The Nashik Merchant Co-operative Bank vs. The District Collector, Jalna & Ors.*), wherein it is held that the order of the Competent Magistrate passed under Section 14 of the Securitisation Act can be re-executed and that the secured creditor can approach the Magistrate, who does not become functus officio.

5. We find that in such circumstances, unless prompt action is taken, it would amount to continued violation of rule of law, which cannot be countenanced.

6. In view of the above, we direct the respondent No.3-Court Commissioner to take physical possession of the secured asset on 20th April 2026, by issuing appropriate notices.

7. We direct the Senior Inspector of Virar Police Station to provide adequate police personnel to the Court Commissioner, including lady constables, for executing the aforesaid direction issued by this Court. The police shall use reasonable, adequate and necessary force to take physical possession of the secured asset, to be handed over to the petitioner-bank (secured creditor). The respondent No.4-Superintendent of Police, Thane shall ensure that

the Senior Inspector of Virar Police Station, abides by the directions issued hereinabove.

8. It is made clear that in the event, the aforesaid directions issued by this Court are not complied with, the Senior Inspector of Virar Police Station, shall remain personally present in the Court, on the next date of listing.

9. List for compliance on 23rd April 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)