



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4614 OF 2026

Cholamandalam Investment Finance
Company Limited ... Petitioner
vs.
The State of Maharashtra and others ... Respondents

Mr. Sanjay Anabhawane, i/b. Ms. Medha Rane for petitioner.

Mr. O. A. Chandurkar, Addl. GP a/w. Ms. G. R. Raghuwanshi, AGP for
respondent Nos.1 and 3 – State.

Mr. Omkar S. Mayekar a/w. Ms. Disha P. Chaurasia, i/b. Mr. Sushil C.
Matkar for respondent Nos.4 and 5.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ

DATE : 15th APRIL, 2026

P.C. :

. The petitioner (secured creditor) is constrained to file this
petition to seek peculiar reliefs in the facts and circumstances of the
case.

2. This is a case where respondent Nos.4 and 5 (borrowers)
encroached and trespassed upon the secured asset, after the
petitioner (secured creditor) had taken possession of the secured
asset in accordance with law. The petitioner was constrained to
approach the police and an FIR dated 12.02.2025 had to be
registered in these circumstances. Thereafter, the petitioner could
take repossession of the secured asset on the strength of an order
dated 01.11.2025 passed by the competent Magistrate.

3. The difficulty being faced by the petitioner is that there are
certain movables of respondent Nos.4 and 5 lying in the said



property (secured asset), which is creating obstruction to the petitioner to handover the vacant possession of the premises to the successful auction purchaser.

4. Respondent Nos.1 to 3 being State authorities, are represented by the learned AGP. Respondent Nos. 4 and 5 (borrowers) are represented by learned counsel.

5. The learned counsel for respondent Nos.4 and 5 submits that they have filed an application before the Debts Recovery Tribunal, under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), and that the proceeding is pending. It is also claimed that attempts are being made to settle the dispute with the petitioner (secured creditor). This is denied by the learned counsel for the petitioner.

6. Be that as it may, by not removing the movables, respondent Nos.4 and 5 cannot obstruct the process of handing over of vacant possession of the said property to the successful auction purchaser. This act on the part of the said respondents, cannot be countenanced. When the learned counsel for the said respondents sought instructions from respondent No.4, who is present in Court, a request was made for certain period of time to remove the movables.

7. Considering the conduct of respondent Nos.4 and 5 of trespassing into the said property and not co-operating for the removal of the movables, thereby obstructing the entire process, we are of the opinion that this petition ought to be disposed of by issuing appropriate directions to the respondents.



8. In view of the above, respondent No.2 – Court Commissioner is directed to ensure that the movables in the said property (secured asset) are removed on or before 20.04.2026. For the said purpose, respondent No.3 – Senior Police Inspector, Naupada Police Station shall send a team of police personnel, including lady constables, to assist respondent No.2. The police shall use reasonable and necessary force for execution of the aforesaid direction. Respondent Nos.4 and 5 are directed not to obstruct the said process.

9. Since respondent Nos.4 and 5 contend that they do not have premises where the said movables can be shifted, respondent No.2 – Court Commissioner is directed to remove the movables from the said property and to deposit the same with respondent No.3 at Naupada Police Station. In that regard, respondent No.3 shall issue an appropriate receipt/acknowledgement to respondent No.2, which in turn shall be made over to the petitioner. The respondent No.3 shall also prepare an inventory of the movables.

10. In the event respondent Nos.4 and 5 wish to take possession of the movables, prior to the aforementioned date, they are at liberty to do so with advance notice to the petitioner.

11. In any case, the process of removal of the movables shall be videographed at the cost of the petitioner.

12. It is made clear that this Court has not made any observations on the merits of the matter and the Debts Recovery Tribunal shall consider the pending proceeding, in accordance with law.

13. Writ petition is disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)