

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.4795 OF 2026

Bank of Maharashtra ... Petitioner  
**Vs.**  
State of Maharashtra and others ... Respondents

Mr. Sanjay Anabhawane i/b. Ms. Medha Rane for Petitioner.

Ms. M. S. Bane, AGP for Respondents-State.

Mr. Hrishikesh S. Shinde (through VC) a/w. Mr. Aneesh Deshpande for Respondent Nos.5 and 6.

**CORAM : MANISH PITALE &  
SHREERAM V. SHIRSAT, JJ.  
DATE : APRIL 17, 2026**

**P.C. :**

1. The petitioner bank is a secured creditor and it is constrained to knock the doors of the writ court in a situation, which appears to be repeatedly occurring in Pune district. We find that in a number of cases, after secured creditors like the petitioner bank have taken lawful possession of the secured assets in pursuance of orders passed by the Competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Securitisation Act'), the original borrowers defiantly trespass into the secured assets, thereby frustrating the steps lawfully taken by secured creditors like the petitioner bank. These instances are repeatedly occurring in Pune district, thereby indicating scant respect for rule of law, necessitating urgent orders from this Court exercising writ jurisdiction.

2. In the present case, the Competent Magistrate passed order dated 22.07.2024 for taking physical possession of the secured asset. In

pursuance thereof, on 29.01.2025, the petitioner bank was able to take physical possession of the secured asset and copy of the *panchanama / tabepavati* is placed on record with the writ petition. But, thereafter, the original borrowers in a most illegal and high-handed manner trespassed into the secured asset, as a consequence of which, the petitioner bank was constrained to submit complaint to the concerned police station on 22.09.2025.

3. It is in this backdrop that the petitioner bank is constrained to approach this Court for appropriate directions to the respondent State authorities to ensure that physical possession of the secured asset is again taken and handed over to the petitioner bank.

4. Respondent Nos.5 to 7, being the original borrowers, are represented by a counsel, who has joined the proceedings through video-conferencing. He is seeking adjournment in order to assist this Court.

5. We are of the opinion that the scope of the present writ petition is concerned with appropriate directions to be issued to the respondent State authorities to ensure that the rule of law is followed. The learned counsel for respondent Nos.5 to 7 could not even dispute the fact that they trespassed into the property and hence, no adjournment can be granted on their request.

6. In view of the above, respondent No.3 - Resident Naib Tahsildar of Pune City is directed to take physical possession of the secured asset on 04.05.2026. Respondent No.4 - Senior Inspector of Police, Khadak Police Station, Pune City shall provide appropriate number of police personnel, including lady constables to assist the respondent No.3 - Resident Naib Tahsildar of Pune City. The police shall use adequate, reasonable and necessary force to take physical possession of the subject property (secured asset) and handover the same to the petitioner bank on

the very same date.

7. It is made clear that if the aforesaid directions issued by this Court are not executed, the respondent No.3 Resident Naib Tahsildar of Pune City and Senior Inspector of Police, Khadak Police Station, Pune City shall remain personally present in this Court on the next date of listing.

8. List under the caption 'for compliance' on 06.05.2026.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**

*Minal Parab*