

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

**WRIT PETITION NO.16305 OF 2025**

Deepali Deepak Chhajed and Another ... Petitioners  
vs.  
District Collector, Pune and Others ... Respondents

**WITH  
WRIT PETITION NO.4792 OF 2026**

Canara Bank ... Petitioner  
vs.  
Additional District Judge and Others ... Respondents

Mr. Shubham Kahite, (through VC), for petitioners.

Ms. Tanu Bhatia, AGP for respondent Nos. 1 and 2-State in WP No. 16305 of 2025.

Mr. Gajendra Rajput, for respondent No. 3.

Smt.P.M. Deshmukh, AGP for the State in WP No. 4792 of 2026.

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

**DATE : 18<sup>th</sup> APRIL, 2026**

**P.C.**

1. Both these petitions are taken up for consideration together since they arise out of the same factual matrix. Writ Petition No. 16305 of 2025 is filed by the Auction purchasers and Writ Petition No. 4792 of 2026 is filed by the Canara Bank, which is the secured creditor.

2. The auction purchasers have filed the petition, *inter alia*, praying for directions to be issued to the Nayab Tahsildar, Haveli, Pune i.e Respondent No. 2 for taking possession of the property in

question and to hand over the same either to the petitioners or to Canara Bank i.e Respondent No. 3. Even in the writ petition which is filed by the secured creditor, it is prayed that directions be issued to Nayab Tahsildar, Haveli, Pune to take possession of the property in question and hand over the same to the petitioner Bank.

3. The Ld. Counsel for the Petitioners in Writ Petition filed by the auction purchasers has submitted that the Respondent No 1 i.e the District Magistrate, Pune had passed an order dated 2<sup>nd</sup> March, 2021 on an Application of the Canara Bank and had directed the Respondent No. 2 Nayab Tahsildar to take possession of the secured assets and to hand over the possession to the Bank. He has further submitted that Nayab Tahsildar, Haveli, Pune had issued letters for taking physical possession on multiple occasions i.e. on 6<sup>th</sup> June, 2022, 9<sup>th</sup> November, 2022, 26<sup>th</sup> December, 2022, 12<sup>th</sup> June, 2023, 2<sup>nd</sup> August, 2023, 28<sup>th</sup> September, 2025 and 26<sup>th</sup> November, 2025, however, despite issuance of these letters and fixing dates for taking possession, the Nayab Tahsildar has failed to take physical possession of the secured assets on any of these dates. It is further submitted by the Ld. Counsel that, a sale certificate dated 9<sup>th</sup> July, 2025 has also been issued in favor of the auction purchasers.

4. The grievance of the petitioners in both these petitions is that despite fixing the dates for taking possession, a lackadaisical approach has been adopted by the Nayab Tahsildar, Haveli, Pune and for the

reasons best known to him, despite fixing dates for taking possession, he has not taken any steps to take the physical possession of the secured assets. In fact, it has been submitted by the Ld. Counsel representing the Auction Purchasers that on one occasion, the Nayab Tahsildar had issued a letter and fixed the date of 18<sup>th</sup> September, 2025 for taking physical possession, pursuant to which the Bank obtained police protection for compliance of the order, however, respondent No. 2 Nayab Tahsildar failed to visit the place for taking physical possession, with the result, the possession of the secured assets could not be taken and the process had to be abandoned.

5. We find that, it is the responsibility of the Nayab Tahsildar to ensure that the orders passed by the District Magistrate under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“Securitisatation Act”) are duly executed. In view of the repeated failure on the part of the Nayab Tahsildar to effectively execute the said order, specific directions are required to be passed in these petitions as, such recalcitrance on the part of Nayab Tahsildar, cannot be countenanced.

6. Today the AGP on instruction has informed this Court that the next date fixed for taking physical possession of the secured assets is on 13<sup>th</sup> May, 2026.

7. The Nayab Tahsildar, Haveli, Pune, shall ensure that the physical possession of the secured assets is taken on the date

mentioned above with the assistance of Senior Inspector of Police, Haveli Police Station, Pune.

8. The Senior Inspector shall provide sufficient police escort including lady officers/constables, for assisting the Nayab Tahsildar in executing the said order. If there is any resistance or obstruction caused in execution of the order, the police shall use reasonable, proportionate and necessary police force to remove any such obstruction and to take physical possession of the secured asset and handover the same , on the same date, to the Petitioner Bank.

9. It is noticed that the Nayab Tahsildar has not been able to perform the duty as expected under the provisions of Securitization Act. It is made clear that the respondent No. 2 shall ensure that the physical possession is taken. The Nayab Tahsildar, Haveli, Pune is directed to personally execute the said order of Additional District Magistrate, Pune in the aforesaid manner.

10. It is made clear that if the directions issued hereinabove are not complied with the seriousness it deserves, the respondent No. 2 Nayab Tahsildar, Haveli, Pune shall personally remain present in this Court on the next date of listing.

11. List under the caption of compliance on 10<sup>th</sup> June, 2026.

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

**(MANISH PITALE, J.)**