

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5995 OF 2026

PNB Housing Finance Limited	..	Petitioner
V/S.		
State or Maharashtra	..	Respondent

Mr. Nishit Tanna, a/w Ms. Heena Lambate, for the Petitioner.

Mr. Sandip Babar, AGP for the Respondent

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

DATE : 6TH MAY 2026.

PC:

1. Heard learned counsel for the petitioner.
2. The petitioner is a secured creditor. The petitioner was constrained to undertake action under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), which culminated in an order dated 20th January 2025 passed by the Additional District Magistrate, Thane under Section 14 of the SARFAESI Act for taking physical possession of the secured asset. In pursuance of the said order, on 29/04/2025, the petitioner was able to take physical possession of the secured asset.
3. But, between April 2025 and April 2026, the borrowers trespassed

into the property. The petitioner became aware of the same on 07/04/2026 and accordingly, it lodged a complaint with the concerned police station on 08/04/2026.

4. It is the grievance of the petitioner that due to the aforesaid patently illegal acts of the borrowers, the petitioner is suffering because it is hampered in taking further logical steps in respect of the secured asset. On this basis, the petitioner has approached this Court seeking appropriate directions.

5. We have come across a number of such instances, where borrowers are blatantly trespassing into secured assets, physical possession of which is taken by secured creditors, like the petitioner herein, in accordance with law and after following the process prescribed under the SARFAESI Act. This is clearly a blow to the rule of law, as such borrowers are encouraged to trespass into the properties that are secured assets and they effectively prevent the secured creditors from proceeding further in the matter. The object of the SARFAESI Act itself stands frustrated in such cases. Hence, immediate and prompt action is expected from the State authorities to restore possession of secured creditors.

6. Considering the documents placed on record, we are of the opinion that appropriate directions need to be issued to the respondent State authorities for ensuring that physical possession of the secured asset is

restored to the petitioner (secured creditor).

7. In view of the above, the Respondent No. 3, Tahsildar, Thane, is directed to take physical possession of the secured asset on 20th May 2026. The Respondent No. 4, Senior Police Inspector of Kasar Wadavli Police Station, Thane, is directed to provide appropriate assistance with sufficient police personnel and lady constables to the Respondent No. 3 - Tahsildar for executing the said direction. The police shall use adequate, reasonable and necessary force to take physical possession of the secured asset and hand it over to the petitioner (secured creditor).

8. It is made clear that in the event the aforesaid directions issued by this Court are not complied with, the Respondent No. 3, Tahsildar, Thane and Respondent No. 4 - Senior Police Inspector, Kasar Wadavli Police Station, shall remain personally present in this Court on the next date of listing.

9. The petitioner, at its own cost, shall ensure videography of the exercise of taking physical possession of the secured asset.

10. List under the caption "for compliance" on 16th June 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)