

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5959 OF 2026

Axis Bank Petitioner
vs.
The Tehsildar, Thane and Others ... Respondents

Mr. Charles D'Souza a/w. Ms. Pragati Gothi i/b. Mr. Alok Mishra and Ms. Juilee Modak, for the Petitioner.
Ms. Tanu Bhatia, AGP for the State.

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

DATE : 5th MAY, 2026

P.C. :

1. The petitioner bank is a secured creditor and it is constrained to approach this Court to seek appropriate direction against respondents- State for assistance in executing an order dated 5th January, 2026 passed by the competent Magistrate under Section of 14 of the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (Securitisation Act).

2. At the outset the learned counsel for the petitioner bank submits that due to inadvertence the concerned Tehsildar, Thane and Senior Police Inspector of Ghansoli police station were not made parties and therefore a

draft amendment is tendered for amending the cause title and for consequential amendments. The draft amendment is taken on record. Leave is granted to carry out the amendment. The amendment shall be carried out forthwith.

3. The documents on record show that in the present case the competent Magistrate passed the order under Section 14 of the Securitisation Act on 5th January, 2026 and two attempts were made on 27th January, 2026 and 1st March, 2026 for taking physical possession of the secured assets. On both the occasions the order of the Magistrate could not be executed due to non-availability of the Tehsildar and in the absence of sufficient police protection.

4. We are of the opinion that such orders passed under the provisions of the Securitisation Act need to be executed promptly, in line with the object of the enactment of Securitisation Act. A secured creditor cannot be frustrated in its attempts to enforce its security interest merely because the State authorities fail to provide sufficient support.

5. In view of the above, we direct respondent No. 1 Tehsildar, Thane to fix the date of taking physical possession on 20th May, 2026. The respondent No. 2 Senior Police Inspector, Ghansoli police station, Navi Mumbai to provide appropriate assistance to the respondent No. 1 Tehsildar including providing sufficient police personnel and lady constables. The police shall use

appropriate reasonable and necessary force to execute the aforesaid direction of this Court.

6. The petitioner bank at its own expense shall ensure video recording of the exercise of taking physical possession.

7. It is made clear that in the event the directions issued by this Court are not complied with respondent No. 1 Tehsildar and respondent No. 2 Sr.P.I., Ghansholi police station shall remain personally present in this Court on the next date of listing.

8. List for compliance on 12th June, 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)