

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13166 OF 2025

Someshwar Dinesh Aasawa .. Petitioner

V/S.

Union of India Thoru. Ministry of .. Respondents
Finance Dept of Financial Services and
Ors

Mr. Anshul Anjarlekar, i/b Ravaz Shah and Co. for the Petitioner.

Mr. Vinit Jain, a/w Mr. Gaurav Mhatre, Ashutosh Mishe, Mr. Ashok Varma,
for Respondent No. 1- UOI.

Mr. Sumedh Ruikar, a/w Mr. Viraj Shelatkar, i/b Ms. Nisha Ruikar, for
Respondent No. 3.

Mr. Dhanraj A. Lodha, a/w Mr. Kiran Shinde, for Respondent No. 5.

Mr. Charlesh Dsouza, a/w S. B. Rao, for Respondent No. 6.

Ms. Neha S. Bhide, G.P., a/w Mr. O. A. Chandurkar Addl GP, a/w Ms. G. R.
Raghuwanshi, AGP for Respondent Nos. 2, 8 to 10 – State.

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

DATE : 29TH APRIL 2026.

PC:

1. The petitioner is an auction purchaser and by this petition, the petitioner is seeking direction against Respondent No. 1 as also the Respondent Nos. 8 to 10 to ensure that physical possession of the subject property is handed over to the petitioner. It is specifically claimed that on 25/01/2024, the petitioner as the auction purchaser deposited the bid amount of about Rs. 2.20 crores with the recovery officer of the Debt

Recovery Tribunal, Pune (DRT) and yet, the petitioner has been deprived of enjoying physical possession of the subject property.

2. The Respondent No. 2 District Collector, Pune, has filed reply affidavit along with certain documents. In the said reply affidavit, it is asserted that the subject land, of which the petitioner is seeking possession, is Government-owned land. It is stated that the said land was given on lease to a society of ex-servicemen for residential purpose.

3. The documents on record do not show as to what was the subject matter of the mortgage on the basis of which loan/credit facilities were advanced by Respondent No. 3 bank to Respondent No. 4 borrower. If the subject land is Government-owned land, perhaps only leasehold rights may have been mortgaged. Nothing is clear in the absence of proper documents being placed on record.

4. The learned counsel for the petitioner submits that being an auction purchaser, the petitioner is handicapped as all the relevant documents are not available with him and yet, he is being deprived of enjoying the property, despite having parted with a huge amount of money in January 2024.

5. The Respondent Nos. 2 and 8 to 10 being State authorities are represented by learned AGP. The Respondent No. 3 bank is also represented

by counsel. Respondent No. 1 is represented by counsel. Respondent No. 4 (borrower) and Respondent Nos. 5 and 6 are also represented by counsel.

6. In view of the above, we direct Respondent No. 3 bank as also the Respondent No. 4 borrower and Respondent No. 6, its Director, to file detailed affidavits along with all relevant documents so as to assist this Court in appreciating the controversy.

7. The reply affidavits along with documents on behalf of the said respondents shall be placed on record within four weeks from today.

8. The petitioner shall file a consolidated rejoinder within two weeks thereafter.

9. List the petition for further consideration on 22nd June 2026, 'High on Board.'

10. In the meanwhile, the petitioner is at liberty to file compilation of documents, within two weeks from today.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)