

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15683 OF 2025**

Cholamandalam Investment & Finance Co. Ltd.,
Through authorized officer Ravi Anuse ... Petitioner
vs.
The State of Maharashtra and others ... Respondents

Mr. Alok D. Mishra for petitioner.

Ms. G. R. Raghuwanshi, AGP for respondent No.1-State.

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

DATE : 27th FEBRUARY, 2026

P.C. :

. Heard learned counsel for the petitioner.

2. This petition discloses an alarming state of affairs, particularly in Pune District, where we find that the secured creditors are facing difficulties not only in execution of the orders passed by the competent Magistrates, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), but immediately upon such orders being executed, the secured assets are being trespassed either by the borrowers themselves or third parties. Rule of law is completely frustrated in the process and the secured creditors are constrained to approach this Court in writ jurisdiction.

3. In the present case, the borrowers have encroached upon the secured asset for the second time. It is brought to our notice that the petitioner (secured creditor) took possession of the secured asset and removed the trespass of the borrowers on 16.07.2025. Immediately on 19.07.2025, the borrowers again trespassed into the secured

asset, which is a flat.

4. It is the case of the petitioner that despite approaching the Commissioner of Police and apprising the said office about the plight of the petitioner, no steps have been taken till date. The competent Magistrate had appointed an Advocate Commissioner i.e. respondent No.2 for execution of the order for taking physical possession.

5. In view of the above, we direct the respondent No.2-Advocate Commissioner to take necessary steps for taking physical possession of the secured asset on 12.03.2026. No further time shall be granted. The Senior Inspector of Police/Incharge of Kothrud Police Station, Pune, in whose jurisdiction the secured asset is located, shall provide all assistance to the respondent No.2-Advocate Commissioner, including providing sufficient police force along with lady constables for execution of the direction given hereinabove. If necessary, reasonable and proportionate force shall be used by the team assisting the respondent No.2-Advocate Commissioner, depending upon the situation that may arise on the said date.

6. It shall be ensured that the physical possession of the secured asset is taken from the trespassers, which may include borrowers or third parties. Upon taking physical possession thereof, the same shall be handed over to the petitioner/secured creditor.

7. It is made clear that if the aforesaid directions are not complied with, the Senior Inspector of Police, Kothrud Police Station, Pune, shall remain personally present in this Court on the next date of listing.

8. List for compliance on 16.03.2026, High on Board.

(SHREERAM V. SHIRSAT, J)

(MANISH PITALE, J.)