

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7650 OF 2026
IN
WRIT PETITION NO. 11298 OF 2026**

Noorshan Begum wd/o. Mohd Ismail

Mohd. Yaseen & others ... Applicants

In the matter between:

Janata Co-operative Bank Limited ... Petitioner

vs.

Tahsildar & Taluka Maigstrate, Malegaon & others ... Respondents

Mr. Vishwajit Kapse a/w. Mr. Manish Rathod and Mr. Sudhir D. Chaudhary for applicants.

Mr. Siddharth Samantaray a/w. Mr. Niket Harit, i/b. Manoj Harit & Co. for petitioner – bank.

Mr. B. V. Samant, Addl. GP a/w. Ms. M. S. Bane, AGP for respondents – State authorities.

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

DATE : 29th SEPTEMBER, 2026

P.C. :

. On 22.09.2026, this Court passed an order, directing physical possession of the secured asset to be taken on 30.09.2026 i.e. tomorrow. Appropriate directions have been issued to the concerned police station to provide assistance, so that the directions issued by this Court are appropriately implemented.

2. Yesterday, this interim application was mentioned on behalf of the applicants, claiming that they would be able to make out a case

and convince this Court for deferring the directions contained in the aforesaid order. In that light, we directed the application to be taken up today in the supplementary list.

3. We have heard the learned counsel for the applicants and the learned counsel for the original petitioner – bank (secured creditor). We find that the petitioner – bank had disclosed all the relevant facts in the writ petition and after considering the same, this Court passed the aforesaid order for directing the respondent – State authorities to ensure that the order passed by the competent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), is duly executed.

4. It is to be noted that in terms of the directions contained in the judgement and order of a Division Bench of this Court in the case of *L & T Finance Limited vs. State of Maharashtra and others 2023*, **SCC OnLine Bom 931**, such orders passed by competent Magistrates under Section 14 of the Securitisation Act, are required to be executed not later than four weeks from the date of passing such orders. As a matter of fact, this Court referred to the said precedent in the aforesaid order, while issuing directions in the present petition.

5. It is an admitted position that the applicants have not been able to obtain any interim order from the competent tribunal i.e. Debts Recovery Tribunal (DRT), under the provisions of the Securitisation Act in Securitisation applications filed and kept pending. There is no impediment for execution of the said order of the Magistrate, in the facts and circumstances of the present case.

6. At this stage, the learned counsel for the applicants submits that the applicants are ready to make a reasonable offer for one time settlement to the petitioner – bank. Nothing prevented the applicants to do so in the pending securitisation applications. It is to be noted that such application is filed and moved at the eleventh hour, only to see that the specific directions issued by this Court are thwarted. We find no substance in the contentions raised on behalf of the applicants.

7. It is brought to our notice that according to the petitioner – bank, the outstanding dues are in the range of about ₹ 6 crores. There is no basis for the applicants to claim that the aforesaid order passed by this Court should be kept in abeyance. We are of the opinion that if the applicants are really sincere about making a reasonable offer to the petitioner – bank for realisation of their dues, they can do so before the bank proceeds to take further steps under the provisions of the Securitisation Act, including putting the subject property (secured asset) to auction.

8. In view of the above, we see no reason to entertain the present application. Accordingly, the same is dismissed.

9. The directions contained in the order dated 22.09.2026 are reiterated and the respondents – State authorities are directed to abide by the same.

10. Needless to say, the DRT shall proceed to consider the pending securitisation applications on their own merits.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)