



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 12364/2026

Roha Housing Finance Pvt. Ltd., Having Its Registered Office At J J T House Plot No. A/44-45 Road No. 2 M.i.d.c. Andheri East Mumbai Maharashtra Branch Office At Plot No. A-56 Tapas Building 2Nd Floor Near Gayatri Ashram Ajmer Road Bhilwara Raj. Through Its Authorized Signatory And Power Of Attorney Holder Deepak Sharma S/o Shri Devdutt Sharma Aged About 28 Years R/o Azad Nagar Dist. Bhilwara Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary Dept. Home Secretariat Jaipur
2. The Superintendent Of Police, Bhilwara Raj.
3. Station House Officer, Ps Kotdi Dist. Bhilwara Raj.
4. Mukesh Kumar Soni S/o Shri Shambhu Lal Soni, R/o Patta No. 64 Araji No. 1119/1 Village Mali Kheda Patwar Halka Mali Kheda Dist. Bhilwara-311603 Raj.
5. Santosh Devi W/o Shri Mukesh Kumar Soni, R/o Patta No. 64 Araji No. 1119/1 Village Mali Kheda Patwar Halka Mali Kheda Dist. Bhilwara-311603 Raj.

-----Respondents

For Petitioner(s) : Mr. Tarun Dudia

For Respondent(s) : --

HON'BLE MR. JUSTICE SANJEET PUROHIT (VACATION JUDGE)

Order

03/06/2026

1. Learned counsel for the petitioner submits that in another writ petition involving similar controversy, Co-ordinate Bench of this Court passed interim order dated 04.05.2026 in **S.B. Civil Writ Petition No. 9512/2026** titled **Roha Housing Finance Pvt. Ltd. v. State of Rajasthan.**



2. Instant writ petition under Article 226 of the Constitution of India has been filed with following prayers:-

- a) *"The present writ petition may kindly be allowed.*
- b). *Respondent No. 2 and 3 may kindly be directed to forthwith remove trespassers from the property viz "All the part and parcel of the property of Patta No. 64, Arajji No. 1119/1, Village Malit Kheda, Patwar Halka Mali Kheda, District Bhilwara - 311603 (Rajasthan)" which was in physical possession of the petitioner company and to take further steps in handing over the vacant and physical possession of the said property to the Authorized Officer of the petitioner company in time bound manner without levy of any charges as directed in order dated 29.11.2025;*
- c). *Any other order of direction, which this Hon'ble deems fit and proper in the facts and circumstance of the present case may kindly be passed in favour of the humble petitioner."*

3. Learned counsel for the petitioner submits that petitioner is a Bank and it had granted loan to respondent Nos. 4 & 5. Since the loan amount was not repaid by respondent Nos. 4 & 5, therefore, they were declared as NPA and proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act of 2002') were against them and possession of mortgaged property was taken over by petitioner- Bank with the aid of police on 28.01.2026.

4. It is further submitted that, after possession of mortgaged property being taken over by the petitioner- Bank, respondent Nos. 4 & 5 forcibly entered the mortgaged property by breaking in. It is contended that such acts of respondent Nos. 4 & 5 tantamount to assault on the rule of law. In these circumstances, petitioner- Bank approached the SHO, Kotdi, District Bhilwara for restoring the possession of mortgaged property but till date, no action has been taken thereupon by them.





5. Learned counsel further submits that it is a sorry state of affairs that despite repeated requests, police authorities have maintained a studied silence in the matter and have not taken any action pursuant to the complaint registered by petitioner – Bank.

Learned counsel thus prays that Superintendent of Police, Bhilwara and SHO, Kotdi, District Bhilwara be directed to act upon applications/ representations filed by petitioner – Bank for securing possession of mortgaged, property keeping in view the fact that possession of property in dispute had already been taken over by petitioner – Bank with police aid on 28.01.2026.

6. Heard learned counsel for the petitioner. Perused the material available on record.

7. Having considered the facts and circumstances of the case, this Court deems it just and appropriate to dispose of present writ petition with directions to respondent No. 2 Superintendent of Police, Bhilwara and respondent No. 3 SHO, Kotdi, District Bhilwara to act immediately and take appropriate action for restoring the possession of mortgaged property to petitioner - bank, in accordance with law. This Court is compelled to observe that if petitioner – bank is not allowed to take possession of said property, it will amount to clear case of defiance of law and, therefore, the Superintendent of Police, Bhilwara and SHO, Kotdi, District Bhilwara are under an obligation to act in consonance with the provisions of law for restoring the possession of petitioner given that the petitioner has already approached them.

8. It is expected from respondent Nos. 2 and 3 that appropriate action for restoring the possession of mortgaged property in





favour of petitioner- bank will be taken by them within a period of fifteen days from the date of receipt of certified copy of this order.

9. With aforesaid directions, present writ petition stands **disposed of.**

10. Stay application and all other pending applications, if any, stand disposed of.

(SANJEET PUROHIT) VJ

399-JatinS/-

