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# IN THE HIGH COURT OF BOMBAY AT GOA

## WRIT PETITION NO. 1275 OF 2026

**GOPINATH JAGI** … **PETITIONER**

**~ VERSUS ~**

**STATE BANK OF INDIA & 2 OTHERS** … **RESPONDENTS**

**APPEARANCES:**

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| **for the Petitioner** | ***Mr. Suresh Babu R. with Ms. Seeja K.S.*** |
| **for Respondent Nos. 1 & 2** | ***Mr. S.N. Joshi with Ms. Shruti Joshi and Mr. Govind Sahani*** |

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**CORAM : VALMIKI MENEZES &**
**AMIT S. JAMSANDEKAR, JJ.**

**DATED : 27th OCTOBER 2026**

**ORAL ORDER: (per Valmiki Menezes, J.)**

**1.** This is a Petition, in which a challenge is being thrown to the order of the Additional District Magistrate-II, South Goa District, Margao dated 09.02.2024, by which, the Mamlatdar/Executive Magistrate in



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terms of sub-section (2) of Section (14) of the SARFAESI Act, was directed to take possession of the secured assets of the Petitioner.

**2.** It has been brought to our notice that this very same Petitioner had earlier filed Writ Petition No. 496 of 2026 challenging the very same order, which came to be dismissed by order of 15.07.2026, thereby directing the Petitioner to approach the Debt Recovery Tribunal, if permissible, considering that the period of limitation would expire. That order has not been challenged and has attained finality. The earlier Petition was therefore rejected on the basis that an alternate remedy was available under the SARFAESI Act.

**3.** Despite having rejected the earlier Petition i.e. Writ Petition No. 496 of 2026 on 15.07.2026, the Petitioner has filed the present Petition challenging the very same order; on the spacious plea that Respondent No. 1 (Secured Creditor) had earlier approached this Court by filing Writ Petition No. 3228 of 2025 (F), seeking a direction to the Mamlatdar/Executive Magistrate to proceed with the attachment of the secured assets contemplated under Section 14 of the SARFAESI Act. According to the Petitioner, though he was a party-respondent to

that Petition, the matter came to be disposed of by this Court on 12.01.2026 without affording him an opportunity of being heard.

**4.** Having gone through the proceedings of Writ Petition No. 3228 of 2025 (F), we see that the Petitioner sought a writ of mandamus to the Mamlatdar/Executive Magistrate to perform statutory duty under Section 14 of the SARFAESI Act to proceed to attach the secured assets. Since the Mamlatdar/Executive Magistrate attached the assets, which was recorded by this Court in its order of 17.12.2025 passed in Writ Petition No. 3228 of 2025 (F) and the directions issued therein having thereafter been complied with by the Mamlatdar/Executive Magistrate, the said Writ Petition came to be disposed of. Therefore, there was no requirement for hearing the present Petitioner. In any event, it is by now well settled that the Petitioner has no right to be heard by the Mamlatdar/Executive Magistrate in proceedings initiated under Section 14 of the SARFAESI Act.

**5.** That apart, the Petitioner has now approached this Court to challenge the very same order impugned in the earlier Petition i.e. Writ Petition No. 496 of 2026 without disclosing in this Petition the fact of disposal

of the earlier Petition on the ground of alternate remedy. It is, therefore, clear suppression of material fact before this Court, which, according to us, is an attempt of the Petitioner to obtain orders without disclosing the previous facts, amounting to serious abuse of the process of this Court.

**6.** The Petitioner has relied upon the decisions of the Hon'ble Supreme Court in the case of (i) **Udit Narain Singh Malpaharia Vs. Additional Member, 1963 AIR 786;** (ii) **Maneka Gandhi Vs. Union of India, 1978 AIR 597** and (iii) **The Assistant Commissioner of State Tax Vs. M/s Commercial Steel Company** [Civil Appeal No. 5121 of 2021 dated 03.09.2021], to contend that no citizen shall be condemned without being heard.

**7.** In our opinion, none of these decisions would apply in the circumstances of the present case since Writ Petition No. 3228 of 2025 (F) was disposed of on the Mamlatdar/Executive Magistrate completing the action required under Section 14 of the SARFAESI Act.

**8.** For all these reasons, we reject this Petition at the threshold and impose costs of Rs.20,000/- (Rupees Twenty Thousand only) on the Petitioner, which shall be deposited by the Petitioner in the Account of the Goa State Legal Services Authority within a week from today.

**9.** Accordingly, the **Petition stands dismissed.**

**[ AMIT S. JAMSANDEKAR, J. ]** **[ VALMIKI MENEZES, J. ]**