

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6735 OF 2014

Hasmukh Premji Gala .. Petitioner

V/s.

The State of Maharashtra & Ors. .. Respondents

.....
Mr. V. A. Navale, Advocate for the Petitioner.
Mr. P. P. Kakade, AGP for Respondent Nos. 1, 3 and 4.
.....

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : AUGUST 21, 2015.

P.C.

Heard.

2 The petitioner's grievance is that he had purchased a flat from respondent no.8, however, possession of the flat was not handed over to the petitioner. The petitioner had approached the District Consumer Forum, Kolhapur. The said Forum had passed judgment on 28th April, 2005. Learned counsel submits that the order passed by the Consumer Forum could not be executed, as respondent no.8 is not traceable. Learned counsel, however, submits that there was a loan transaction between respondent

no.8 and respondent no.6 with regard to the said disputed flat. Respondent no.8 defaulted in payment of the said loan to the respondent no.6 i.e. the Credit Society. It is contended that the respondent no.6 intends to sale the subject property to one Mrs.Gandhi under an auction. The petitioner submitted his objection to the said auction proceedings vide letter dated 11.08,2012.

3 No interference is warranted under extraordinary writ jurisdiction of this Court. The petitioner may resort to alternate remedy, as may be available in law. Writ Petition is dismissed.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)