

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7433 OF 2013

Mohan Chandrakant Ajgaonkar.

... Petitioner.

Vs.

1.State of Maharashtra & Ors.

... Respondents

Mr.S.A.Pawar, for the Petitioner.

Mrs.M.S.Bane, AGP, 'B' Panel Counsel, for Respondent Nos.1 & 2 -
State.

Mr.Shivai P. Gole, for Respondent Nos.3 and 4.

***CORAM : S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.******DATE : 17th JUNE, 2015.***

P.C. :

1. After having heard Mr.S.A.Pawar, learned Counsel appearing on behalf of the petitioner and considering the reliefs claimed by the petitioner, we are of the view that the Writ Petition is not the appropriate remedy. The petitioner seeks possession of an

immovable property stated to have been purchased by him as a successful bidder in an auction. The Recovery Officer is neither giving possession of the immovable property though the auction is stated to have been finalised in the year 2010 nor is money refunded in entirety.

2. If these are the reliefs claimed and merely to resolve the issues in relation to the right, title and interest in the immovable property or a right to seek refund of money stated to have been paid, then the competent Civil Court can be approached by the petitioner who can implead all necessary and proper parties and seek such reliefs as are permissible in law including based on the prayers made in the Writ Petition. He can even implead the Recovery Officer as a party defendant. Keeping this course open and all contentions of the parties therein, we dispose of this Writ Petition.

(G.S.KULKARNI, J.)

(S.C. DHARMADHIKARI, J.)