

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2233 OF 2014**

Sujata Balasubramanian

..Petitioner

Vs.

The Authorised Inquiry Officer & Ors.

..Respondents

Mr. Vikram Chavan for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent No.3

Mr. D. S. Hatle for the Respondent No.2

CORAM : R. M. SAVANT, J.

DATE : 31st July, 2015

P.C.

1 Though in prayer clause (a) of the above Petition the challenge is to the orders dated 17-9-2012, 5-3-2013 and 15-3-2013, the principal challenge is to the order dated 17-9-2012 passed by the inquiry officer of attaching the property which is mentioned in Annexure -A to the said order i.e. Flat No.A 1402, Green Park, Raheja Estate, Kulupwadi, Borivali (E), Mumbai 400 066. Though the name of the husband of the Petitioner Mr. A.V. Balasubramanian is appearing against the said flat, in the said Annexure-A, it is the case of the Petitioner that the said flat solely belongs to her and could not have been attached pursuant to the proceedings which are initiated under Section 88 of the Maharashtra Co-operative Societies Act. In fact the application which is at Exhibit G to the Petition was filed by the Petitioner and her husband before the inquiry officer which application is dated 4-12-2012

and thereafter another application was filed on 15-3-2013 for the same purpose. However, the said applications have not been dealt with and the final order of attachment has been passed.

2 The Learned AGP on instructions states that the said application at Exhibit G which is followed by the application at Exhibit J would be dealt with by the authorised inquiry officer appointed under Section 88 of the said Act within 6 weeks from date.

3 In view of the said statement of the Learned AGP, it is not necessary to keep the above Petition pending. Hence by accepting the said statement, the Petition is disposed of.

4 Needless to state that the authorised inquiry officer would give proper opportunity to the concerned parties and then decide the said applications. The parties to appear before the authorised inquiry officer on 5-8-2015. The time stipulated by this order would start to run from then.

[R.M.SAVANT, J]