

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 WRIT PETITION NO. 3383 OF 2014

MUKATI URBAN CO-OPERATIVE CREDIT SOCIETY LTD.,
JALGAON
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Arvind K. Tiwari, Advocate, for petitioner.
Shri. S.R. Yadav, Assistant Government Pleader, for
respondent Nos.1 to 3.
Shri. D.B. Thoke, Advocate, for respondent No.4.

CORAM: T.V. NALAWADE, J.

DATE : 25 AUGUST 2016

ORDER:

1) The petition is filed to challenge the order made in Revision No.1/2012 by the Divisional Joint Registrar Cooperative Societies Nasik Region, Nasik. Both the sides are heard.

2) The said revision was filed by present respondent No.4 to challenge the orders made in favour of the present petitioner in the past by the authority by which the present petitioner was allowed to auction sell the property to recover the debt. The property was mortgaged to the

petitioner. It appears that the property was already mortgaged with respondent No.4 and respondent No.4 had obtained certificate under section 101 of the Maharashtra Cooperative Societies Act, 1960 and due to this circumstance, the revisional authority has set aside the order made in favour of present petitioner. Reason is given that in view of the fact the property was mortgaged initially to respondent No.4 and the right of respondent No.4 needs to be considered first and only after that the rights of the present petitioner will be considered.

3) It appears that respondent No.4 now wants to sell the property by auction sale. It appears that the set up price which is fixed by the petitioner is Rs.3.57 lakh. Care is to be taken to see that the recent set up price is fixed which should be more than Rs.3.57 lakh by following the proper procedure and after the auction sell, disbursement will be made as per rules. With these observations, the petition is disposed of as dismissed.

Sd/-
(T.V. NALAWADE, J.)

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