

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No. 2601 of 2015

The Maharashtra State Cooperative Housing Finance Corporation Ltd., Mumbai through its
Special Recovery Officer.

Vs.

The Collector, Nagpur District Nagpur and 3 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.S. Shingane, counsel for petitioner.
Mrs. Joshi, AGP for respondent nos. 1 to 3.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATE : 4th April, 2016.

Heard Shri Shingane learned counsel for petitioner and learned AGP for respondent nos. 1 to 3. Nobody appears for respondent no. 4 though he is served.

During hearing we find that petitioner cooperative society claims to have secured a recovery certificate under section 156 of Maharashtra Cooperative Societies Act and is making an attempt to execute it. It appears that powers conferred upon the Collector under section 100 of the said Act are invoked. Representation made by petitioner to expedite proceedings dated 9.10.2014 is placed on record. It is followed by representation dated 7.11.2014.

It appears that Deputy Collector (Revenue) at Nagpur has written to Tahsildar, Parshioni to proceed in the matter as per law.

Shri Shingane submits that inspite of this as no steps are being taken, petitioner is required to file the writ petition.

In this situation, without prejudice to rival contentions of parties we find that interest of justice can be met with by directing respondent no. 3 to expedite the proceedings before him in terms of section 100 of Maharashtra Cooperative Societies Act.

Respondent no. 3 shall attempt to complete the execution proceedings within 8 weeks.

Keeping all rival contentions open we partly allow this petition and dispose it of. No costs.

JUDGE

JUDGE