

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

65 WRIT PETITION NO. 8002 OF 2013

MASUDYAS FARUK BAFATI GPA SAYYED MOHSIN SAYYED
MENODDIN KADARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Suryawanshi Kamlakar J.
AGP for Respondents/State : Mr. D.R. Kale
Advocate for Respondents : Mr. Milind M. Patil for R/4.
Advocate for Respondents : Mr. S.S. Thombre for R/6.

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CORAM : S.V. GANGAPURWALA, J.
DATE : 29.08.2017

P.C. :

1. The petitioner assails the order directing him to deposit 50% of the amount under the recovery certificate.

2. The learned counsel for the petitioner submits that the petitioner is not challenging the recovery certificate and has restricted his challenge only to the attachment, as such, Section 154 (2A) would not apply. Even the circular issued by the State Government directing the authority not to entertain the revision without deposit of 50% has been withdrawn.

3. Mr. Patil, the learned counsel submits that the petitioner is a purchaser, unless the recovery certificate is challenged, the challenge to the attachment order would not merit consideration.

4. It has been explicitly stated by the petitioner that he is

not challenging the recovery certificate and challenge in the revision is restricted to the order of attachment under Rule 107 of the Maharashtra Co-operative Societies Rules.

5. In view of that and the fact that the circular has been withdrawn, the impugned order is quashed and set aside. The Revisional Authority shall consider the revision of the petitioner limited to the extent of challenge to the order of attachment. Writ petition is accordingly allowed. No costs.

(S.V. GANGAPURWALA)
JUDGE

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