

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

WRIT PETITION NO.9397 OF 2016

1. Vijay s/o. Eknath Kalal,
Age : Major, Occ. Retired,
r/o. 25, Laxmi Colony,
Dondaicha,
Dist. Dhule
2. Sajan s/o. Dalpat Pimple,
Age : Major, Retired,
r/o. Indraprastha,
Deopur,
Tq. and Dist. Dhule
3. Usha w/o. Sajan Pimple,
Age : Major, Occ. Nil
r/o. Indraprastha,
Deopur,
Tq. and Dist. Dhule
4. Ravindra s/o. Arjun Thakur,
Age : Major, Occ. Nil,
r/o. Station Road,
Bhagnirmal Cotton Shop,
Near Central Bank,
Dondaicha,
Tq. Sindkheda, Dist. Dhule ..Petitioners

Vs.

1. The State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai
2. The Collector, Dhule

3. The Tahsildar, Sindkheda,
Tq. Sindkheda, Dist. Dhule
4. The Samartha Co-operative
Credit Society Ltd., Dhule
Office at Nagaputti Road,
Near Subhash Statute,
Tq. and Dist. Dhule
through its Administrator ..Respondents

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Mr.M.R.Wagh, Advocate for petitioners
Mr.S.B.Pulkundwar, AGP for respondent nos.1 to 3
Mr.P.S.Gaikwad, Advocate for respondent no.4

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 16, 2017**

ORAL JUDGMENT (Per T.V. Nalawade, J.):

Heard.

2. Rule. Rule made returnable forthwith.
With the consent of the parties, the petition is
heard finally.

3. This petition is filed for giving
directions to respondent no.2 – Collector to take
steps in accordance with the certificate issued in
favour of the present petitioners by the District

Consumer Forum under the provisions of the Consumer Protection Act, 1986 ("the Act", for short).

4. It is the case of the petitioners, who are the depositors of respondent no.4 - Credit Society, that they are entitled to receive amount of Rs.20.11 Lakhs from respondent no.4 and accordingly, the certificate is issued by the District Consumer Forum under the aforesaid Act. It is the contention of the petitioners that for recovery of the amount, properties of respondent no.4 were attached and sold in auction. The amount received from the auction is lying with respondent no.3 - Tahsildar. It is the grievance of the petitioners that respondent no.2 - Collector is not taking further steps for disbursement of the amount as per the provisions of the Act.

5. As per the provisions of Section 25(3) of the Act, the Collector has to take steps for

recovery of the amount, which includes attachment of the properties, auction thereof and disbursement of the amount to the claimants as per the certificate issued by the Consumer Forum.

6. The learned A.G.P. submits that the State Government has given an amount of Rs.3.3 Crores to respondent no.4 – Credit Society as financial assistance with a condition that the amount is to be returned by respondent no.4 within one year. The learned A.G.P. invites our attention to Section 155 of the Maharashtra Co-operative Societies Act, 1960 and submits that the claim of the Government shall have priority over the claim of the depositors. In our view, the Collector can take decision on this point.

7. In the result, the Writ Petition is allowed. Respondent no.2 – Collector is to take decision as per the provisions of Section 25(3) of the Act, on the claims made before him by the

depositors like present petitioners and other persons who are similarly situated persons, within a period of two months from today.

8. Rule is made absolute in the above terms. The Writ Petition stands disposed of accordingly.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp