

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8316 OF 2017

Bhagwan Narayan Sutar .. Petitioner
Vs.
State of Maharashtra
Through Its Principal Secretary & Ors. .. Respondents

...

Mr. Dhairasheel Sutar for Petitioner.
Mr. P.D. Pise for Respondent No.5.
Mrs. A.D. Vatkar AGP for Respondent No. 1 to 4.

**CORAM : K.K.TATED, J.
DATE : 24 JULY 2017.**

P.C. :

1. Not on board. At the request of Advocate for the Petitioner, the matter is taken on board for urgent orders.
2. By this petition under Article 227 of the Constitution of India, the petitioner is challenging the order dated 18th June, 2017 passed by the Respondent No.2 under Section 156 of the Maharashtra Co-operative Societies Act, 1960 read with Rule 107(11)(d-1) in proceeding SR/12/2016. The Collector has directed to take possession of the suit property i.e. Land bearing Gat No.1055 area 0.29 R at Mouza Kodoli, Tal. Panhada, Dist. Kolhapur for recovery of respondent banks dues.
3. It is to be noted that in the present proceeding respondent bank filed application under Section 101 of the Maharashtra Co-

operative Societies Act, 1960. That application was allowed by the authority by order dated 5th September, 2002 directing the borrower and guarantor to pay sum of Rs.5,76,030/- with 17.5% on principal amount. Admittedly, neither the petitioner nor the principal debtor has challenged the said order and said order remains as it is. In recovery proceeding, the learned Collector passed impugned order dated 18th June, 2017 under Section 156 of the Maharashtra Co-operative Societies Act, 1960.

4. Considering this fact, as the order passed by the authority under Section 101 of the Maharashtra Co-operative Societies Act, 1960 was not challenged by the petitioner, I do not find any substance in the Writ Petition.

5. Writ Petition stands rejected.

(K.K.TATED, J.)