IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 13763 OF 2016

Labhshankar Mohanlal Pandya ...Petitioner

Versus

The Greater Bombay Cooperative Bank Limited
And Ors. ...Respondents

Ms.Rita Yadav i/b. Reeti Law Associates, for the Petitioner.

Mr.Shirin Shaikh i/b. Raval Shah, for Respondent No.1.

CORAM : G.S. KULKARNI, J.

DATE : 12th January,2017.

ORDER:

1. Heard the learned Counsel for the parties. Challenge in this petition under Article 226 of the Constitution of India is to a communication dated 16 September 2016 whereby the Circle Officer, Belapur has sought a police protection to attach the property as described in the said communication being subject matter of the recovery certificate dated 24 July 2013 issued under Section 101 of the Maharashtra Co-operative Societies Act. The record indicates that the persons named in the said communication namely Smt.Megha Pandya, Mr.Hitesh L. Pandya

and Smt.Malti Pramod Ranpura had obtained loans from Respondent No.1-Bank and were defaulters. Recovery proceedings were initiated by Respondent No.1 and in pursuance thereto recovery certificate dated 24 July 2013 came to be issued for an amount of about Rs.13.36 crores. On 25 April 2015 an order of attachment was passed. Admittedly, there was no stay on attachment. The recovery proceedings ultimately culminated into possession being taken of the suit property on 15 November 2016. The petitioner is a third party to the recovery proceedings and is claiming to have been acquired interest in the property under a deed of assignment dated 20 July 2014 which was after the recovery certificate was issued.

2. All these facts indicate that the reliefs as prayed by the Petitioner cannot be granted. In any case, the orders are passed against the principal borrowers and if at all the principal borrowers need to challenge any order of recovery. The learned Counsel for the Petitioner contends that the Petitioner also has some interest in the flats in question. If that be the case, it would be open to the Petitioner to adopt such appropriate proceedings as permissible in law.

3. In the circumstances, the petition is devoid of any merit and it is accordingly rejected.

4. At this stage, the learned Counsel for the Petitioner seeks continuation of the ad-interim orders. Considering the facts of the case, the prayer is rejected.

(G.S.KULKARNI, J.)