

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.2726 OF 2017

Narendra Ramanlal Patel

..Petitioner.

V/s.

State of Maharashtra & Ors.

..Respondents.

Mr.Sanjiv Punalekar with Mr.Balraj Kulkarni i/b. PRS Legal for the
Petitioner.

Mr.Kedar Dighe, AGP for the Respondent-State Nos.1, 3, 6, 7 & 8.

***CORAM: R.M.SAVANT AND
SARANG V. KOTWAL, JJ.***

DATE : NOVEMBER 14, 2017

PC.:-

The only grievance in the above Petition is that the Petitioner's property has been taken over by the Special Recovery Officer without following the procedure mandated by Rule 107 (1)(d) thereof. It is required to be noted that a certificate under section 101 of the Maharashtra Co-operative Societies Act, 1960 has been issued against the Petitioner in the sum of Rs.2 crores. If it is the case of the Petitioner that the procedure prior to taking possession of the property has not been followed as contemplated by the said Rule 107, it would

be open for the Petitioner to raise such contentions before the Special Recovery Officer i.e. Respondent No.5 bank. If any such application is already made or is made by the Petitioner within one week from date, the Special Recovery Officer may dispose of the same within one week thereafter in accordance with law.

2. We make it clear that our instant direction should not be construed as any opinion on the aspect of taking over of the properties of the Petitioner.

3. With the aforesaid directions, the writ petition is disposed of.

(SARANG V. KOTWAL, J.)

(R.M.SAVANT, J.)