IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 8669 OF 2017

DILIP MURLIDHAR BONDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner Mr. Ajay G. Talhar
AGP for respondent Nos. 1 and 2: Mr. S.N. Morampalle,
Advocate for Respondent No.3: Mr. Abasaheb D. Shinde
.....

CORAM : V. K. JADHAV, J.
DATED : 20th MARCH, 2018

PER COURT:-

1. This writ petition is disposed of with liberty to the petitioner to file revision before the Divisional Joint Registrar, Co-operative Societies, Nashik in the event if respondent No.3 Co-operative Credit Society put the property of the petitioner for auction or sale.

2. Learned counsel for the petitioner submits that in revision application No. R-228 of 2016, even though the petitioner has raised many grounds, the same were not considered by the Divisional Joint Registrar while passing the impugned order only on the ground that the proclamation of sale of immovable property of the petitioner dated 30.8.2016 issued by Shri S.S. Nemade, Special Recovery Officer of respondent No.3 society, under Rule 107 (10) and 11(c) & (e) of the Maharashtra Co-operative Societies Rule 1961 r.w. Section 156 of Maharashtra Co-operative Societies Act 1960 has been cancelled by the respondent society. Learned counsel submits that the petitioner may be granted liberty to challenge the

auction of the society on all grounds those are raised in the revision application alongwith any other fresh grounds, if available.

3. Learned counsel for respondent No.3 society submits that the respondent society may also be granted liberty to raise all available grounds in the event if the petitioner prefers to challenge the auction or sale of the petitioner's property by the society at later stage by way of filing revision before the Divisional Joint registrar, Co-operative Societies, Nashik.

4. In view of above, writ petition is disposed of with the aforesaid liberty.

5. The petitioner as well as respondent No.3 society are at liberty to raise all points those are raised in Revision R-228 of 2016 and also new grounds, if any, in case the respondent society decides to auction or sale the immovable property of the petitioner. All points are kept open. In the event of filing of such revision application before the Divisional Joint Registrar, Co-operative Societies, Nashik, the said authority shall decide the same in accordance with law by considering the points raised by the parties.

(V. K. JADHAV, J.)

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