

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6571 OF 2018
(Deepak s/o Liladhar Bharambe and others Vs. State of Maharashtra
and others)
WITH CIVIL APPLICATION NO.10131 OF 2018

Mr.A.G.Talhar, Advocate for the petitioners.
Mr.S.R.Yadav, AGP for respondent Nos. 1 to 4 and 7/State.
Mr.Ajinkya Deshmukh h/f Mr.A.V.Hon, Advocate for respondent Nos.
12 and 13.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 31/08/2018

PER COURT :

1. The petitioners, have challenged the auction sale, the order of the District Deputy Registrar dated 23/04/2018 confirming the sale and indirectly challenging the Section 101 certificate under the Maharashtra Co-operative Societies Act.

2. The learned AGP and the learned Advocate on behalf of the auction purchasers point out that the petitioners are in no way connected with the property which has been auctioned.

3. I do not find any pleading in the memo of the writ petition contending that these petitioners have a title over the property or are

the actual owners of the property. Regular Civil Suit No.9/2008 has also been filed by these petitioners which has been dismissed in default and subsequently restored on 01/09/2017.

4. Considering the above, I am of the view that these petitioners have no locus to file this petition and more so in view of the pendency of a suit instituted in 2008. Subsequently, the Trial Court is said to have granted some protection to the petitioner.

5. As such, the request to deposit an amount of Rs.9,75,000/- in this Court is not accepted. This petition, being devoid of merit, is therefore dismissed. Pending civil application does not survive and stands disposed off.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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by Kranti Hansraj
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