

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 14958 OF 2017

Raosaheb S/o Shankar Rahane

... Petitioner

VERSUS

The Competent Authority, National Highway &
Sub-Divisional Officer, Sangamner & Ors.

... Respondents

.....
Mr S. K. Chavan, Advocate for the petitioner
Mr A. S. Shinde, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 21ST MARCH, 2018.

ORDER :

1. The petitioner has approached this Court against the order passed by the Competent Authority thereby sustaining the claim of the respondents of a charge on the property.

2. Mr Chavan, learned counsel for the petitioner submits that, initially the objection filed by respondent No. 2 was dismissed. The competent authority has no power of review and subsequent order contrary to the initial order could not have been passed by the authority.

3. According to the learned counsel for respondent No. 2, the charge is created on the basis of an undertaking/affidavit given by the petitioner over the writ land. In view of Section 48 of the Maharashtra Cooperative Societies Act, the charge is created.

4. It appears that, the petitioner is a guarantor to the land and pursuant thereto, mutation entry No. 467 was effectuated.

5. Considering the fact that, it is a case of respondent No. 2 that the petitioner is a guarantor and the charge is created for recovery of the land amount and that there was some dispute filed before the Cooperative Court, we refrain ourselves from exercising writ jurisdiction. The petitioner may approach the competent forum for redressal of his grievance. In that case, all contentions of the respective parties are kept open.

6. Writ Petition is, accordingly, disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde