

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8162 OF 2018

Mrs. Vatsala Ramchandra Tribhuvan

and Ors.

....Petitioners

V/s.

The State of Maharashtra & Ors.

....Respondents

Mr. Sunitha Perumal a/w. Ms. Aarti Kulkarni, i/by. Mr.
Sachin Masurkar, Advocate for the petitioners.

Mr. A.A. Alaspurkar, AGP for respondents no.1 and 2.

Mr. Saurabh S. Kurade, Advocate for respondents no.3
and 4.

Coram : K.K. Tated, &

Sandeep K. Shinde, JJ.

Friday, 5th October, 2018.

P.C. :

1. Heard Learned Counsel for the parties.
2. By this petition, under Article 227 of the

Constitution of India, the petitioner is challenging the demand notice dated 24th March, 2017 issued by the respondent-Bank under Section 156 of the Maharashtra Co-operative Societies Act, 1960 read with Rule 107(3) and (11) of the Maharashtra Co-operative Societies Rules, 1961 and also the attachment notice dated 12th December, 2017 issued by the respondent-Bank under Section 107(5)(a) of the Rules of the said Act.

3. After hearing for some time, the Learned Counsel for the respondent-Bank submits that, he has received instructions from his client to withdraw the attachment notice dated 12th December, 2017 with liberty to issue fresh attachment notice by disclosing the description of the property. To that effect, he has given in writing. The same is taken on record and marked 'X' for identification. The same is accepted.

4. Hence, the following order is passed :

(A) The attachment notice dated 12th December, 2017 issued by respondent no.3-Special Recovery & Sales Officer, Co-operative Department under Section 156 of the Maharashtra Co-operative Societies Act, 1960 read with Rules 107(3) and (11) of the Maharashtra Co-operative Societies Rules, 1961 is set aside.

(B) Liberty is granted to respondent no.3 to issue fresh attachment notice according to law.

(C). Writ Petition stands disposed off as withdrawn in view of withdrawal of attachment notice dated 12th December, 2017. No order as to costs.

(SANDEEP K. SHINDE, J)

(K.K. TATED, J)