

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 26494 OF 2018

Manisha K. Shah

.Petitioner

Vs.

The District Deputy Registrar – 4, Co-operative
Societies & ors.

.Respondents

Mr. J. G. Damani, Advocate, for the Petitioner

Mr. A. B. Kadam, AGP, for the Respondent Nos. 1 & 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.10.2018

P.C.

. Heard learned counsel for the Petitioner.

2. Learned counsel for the Petitioner submits that the Recovery Certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, as against the Petitioner is Rs. 1,32,524/- alongwith interest @ 18% p. a.. He submits that the Petitioner has been regularly paying maintenance to the Society i. e. to the Respondent No. 3. According to the learned counsel, the amount claimed from the Petitioner, under the Recovery Certificate is an amount, due to the builders and

towards the Occupation Certificate, which is impermissible in law.

3. Issue notice to the Respondents, returnable on **14.12.2018**. Hamdast permitted. Learned AGP waives notice on behalf of the Respondent Nos. 1 & 2 – State. In addition to Court notice, Advocate for the Petitioner, to serve the Respondent No. 3 by Advocate's notice and file Affidavit of service before the returnable date. Notice to indicate that an endeavour shall be made to dispose off the Petition finally at the stage of admission.

4. Spare copies to be supplied in the Registry of this Court within two weeks from today, failing which the Petition shall stand dismissed for want of prosecution.

5. In the meantime, till the next date, no coercive steps to be taken as against the Petitioner, pursuant to the orders dated 19.04.2011, 12.03.2018 and the Recovery Certificate issued under Section 101 of the Maharashtra Co-operative Societies Act.

(REVATI MOHITE DERE, J.)