

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10886 OF 2019

Sharif Sultan Khan and Anr. .. Petitioners

vs.

Branch Manager,
Nagrik Co-op. Bank Ltd. And Anr. .. Respondents

Mr.R.S.Gothwal i/b Mr.Suraj Gothwal for the Petitioner

Mr.Kishor Shrirang Patil for the respondent nos.1 and 2

**CORAM: K.K.TATED &
SARANG V. KOTWAL, JJ.
DATED : JANUARY 30, 2020**

P.C.

1 Heard.

2 By this Writ Petition, under Article 226 of the Constitution of India, Petitioner is challenging the notice dated 21.09.2019 issued by Recovery Officer for attaching their property.

3 The learned counsel for the Respondent submits that in the present proceeding, concerned officer issued Recovery Certificate dated 28.07.2016 under section 101 of the Maharashtra Co-operative Societies Act, 1960 for recovery of sum of Rs.31,71,892/-. He submits that said Recovery Certificate is not challenged by the Petitioner

before any authority. Therefore, said Writ Petition is not maintainable. Same is required to be dismissed with costs.

4 At this stage, the learned counsel for the Petitioner submits that he received instruction from his client to withdraw the present Writ Petition unconditionally with liberty to take out appropriate proceeding according to law. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

5 Writ Petition stands dismissed as withdrawn with liberty as prayed.

6 No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)