

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

WRIT PETITION NO.5881 OF 2020

**SAMATA NAGARI SHAKARI PATSANSTHA LTD., AND
ANOTHER
VERSUS
BHARTI SANJAY MORE AND OTHERS**

...
Advocate for the Petitioners : Shri R.N. Dhorde, Senior Advocate
h/f Shri Dighe Pravin S.
Advocate for Respondent 1 : Shri G.V. Wani
Advocate for Respondent 2 : Shri V.D.Hon, Senior Advocate h/f
Shri A.V. Hon
Government Pleader for Respondents 3 to 5 : Shri D.R.Kale
...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 12th October, 2021

Per Court :-

1. By this Writ Petition, the petitioners have put forth
prayer clause B as under :-

“B) Hold and declare that the said application dated 11.03.2020 filed before the Respondent No.3- Additional Collector, Aurangabad and the order dated 11.03.2020 passed by the Respondent No.3- Additional Collector, Aurangabad granting stay to the said police auction notice dated 12.02.2020 issued by the petitioner Nos.1 and 2 is without jurisdiction and therefore, the same needs to be quashed and set aside and for that purpose issue necessary orders.”

2. We have extensively heard the submissions of Shri Dhorde, the learned Senior Advocate on behalf of the petitioners, Shri Hon, the learned Senior Advocate on behalf of respondent No.2, Shri Wani, the learned Advocate on behalf of respondent No.1 and Shri Kale, the learned Government Pleader on behalf of respondent Nos.3, 4 and 5.

3. The contentions of the learned Senior Advocate Shri Dhorde can be summarized as under :-

ONE LOAN ACCOUNT

(a) Respondent Nos.1 and 2 are a married couple, who are the Directors of Chaitanya Nir Jal Private Limited, which had applied for the loan of Rs.1.5 crores with the petitioner No.1/ Credit Cooperative Society.

(b) Petitioner No.1/ Credit Cooperative Society granted the loan on the condition that respondent Nos.1 and 2 would mortgage their own land bearing Gat No.839 situated at village Bidkin, Taluka Paithan, District Aurangabad, by executing a registered mortgage deed.

(c) The land was standing in the name of respondent Nos.1 and 2/ couple and was also recorded as class-1 land in the

revenue records.

(d) The registered mortgage deed was executed on 30.09.2016 and 13.01.2017 along with 7/12 extracts.

(e) Respondent Nos.1 and 2 (hereinafter referred to as “the couple”) and Chaitanya Nir Jal Private Limited (hereafter referred to as “the company”), committed default in making repayment of loan of the principal amount of Rs.1.5 crores along with interest.

(f) Recovery proceedings under Section 101 of the Maharashtra Cooperative Societies Act, 1960 (hereinafter referred to as “the MCS Act”) were initiated before the Assistant Registrar, Cooperative Societies, Ahmednagar against the couple and the company.

(g) On 29.09.2018, as the efforts of petitioner No.1/ Society to recover the amount, did not yield any result, petitioner No.1/ Society pursued the remedy of Section 101 of the MCS Act.

(h) On 04.12.2018, the Assistant Registrar, Cooperative Societies, issued Section 101 certificate.

(i) It is an admitted position that the said certificate u/s 101 by which, the petitioners gained a legal right for recovery of

the loan amount, has not been challenged either by the couple or the company, before any authority. The same has attained finality.

(j) Petitioner No.2 was appointed as the Recovery Officer by the District Deputy Registrar, Cooperative Societies, Ahmednagar and he issued the recovery notice on 13.12.2018 to respondent Nos.1 and 2.

(k) As the couple did not repay the amount as well as the company also caused no repayment, the Recovery Officer issued the notice of attachment on 28.12.2018.

(l) Demand notice dated 13.12.2018 and attachment notice dated 28.12.2018 were issued. Yet, neither the couple nor the company repaid the amount.

(m) On 23.01.2019, the attachment order was issued and petitioner No.2 attached the said property.

(n) On 04.02.2020, the petitioner No.2, in order to sell the property, moved an application to the District Deputy Registrar, Cooperative Societies, Aurangabad (DDR, Aurangabad) as the property was situated at village Bidkin, Taluka Paithan, District Aurangabad, for fixation of the upset price.

(o) Notices were issued to the couple as well as the factory and after hearing the parties, the DDR, Aurangabad settled the upset price of Rs.2.20 crores for the land admeasuring 4 hectors in Gat No.839, vide his decision dated 04.02.2020.

(p) On 12.02.2020, the Recovery Officer issued a public sale notice which was published in the local newspapers on 14.02.2020.

(q) On 05.03.2020, the company filed the revision proceedings bearing No.15/2020 under Section 154 of the MCS Act before the Divisional Joint Registrar, Cooperative Societies, Aurangabad (herein after referred to as the Revisional authority) for challenging the upset price as well as the auction notice. An application for interim relief which is permissible under Section 154(2) of the MCS Act, was also filed.

(r) On 11.03.2020, the Revisional Authority recorded the submissions of the respective sides on the application seeking interim relief and posted the matter for orders on 13.03.2020.

SECOND LOAN ACCOUNT

(s) In 2010, an entity by name M/s More Sports Industries, whose proprietor is respondent No.1, had also applied

for loan for an amount of Rs.1.5 crores from petitioner No.1 Society.

(t) Respondent No.2 mortgaged the same land Gat No.839 indicating it to be class-1 land vide registered mortgage deed dated 09.03.2010.

(u) As this industry defaulted, the petitioner moved for recovery certificate under Section 101 of the MCS Act on 29.09.2018.

(v) On 04.12.2018, the competent authority issued the recovery certificate for an amount of Rs.1,57,90,073/- along with interest.

(w) Petitioner No.2 Recovery Officer issued the notice on 13.12.2018 to respondent No.1.

(x) As the amount was not paid, the recovery officer issued the notice of attachment of the mortgaged property on 28.12.2018 and attached the land admeasuring 4 hectors from Gat No.839, owned by respondent No.1, on 27.02.2019.

(y) The upset price was decided by the DDR, after hearing all the parties, on 04.02.2020 and the price was settled at Rs.3.30 crores for the land admeasuring 6 hectors from Gat No.839.

(z) A public notice to sell the property was issued on 12.02.2020, which was published on 14.02.2020.

(aa) Even to the extent of this loan account, neither respondent No.1 nor the industry has challenged the Section 101 certificate.

(ab) Respondent No.1 filed Revision No.14/2020 before the Revisional Authority along with the stay application, on 05.03.2020 for challenging the upset price and the auction sale.

(ac) The hearing on the interim application took place on 11.03.2020 and the application, as like the application filed in the earlier loan account bearing Revision Application No.15/2020, were rejected on 13.03.2020.

(ad) Both the revision applications are pending final hearing before the Revisional Authority.

(ae) There are further loan accounts and default in payment of loans by the same couple, out of whom, respondent No.2 is the proprietor of M/s Sai Industries. That issue has reached the stage of Section 101 certificate and is not the part of the cause of action in this proceeding.

PROCEEDING BEFORE THE DISTRICT COLLECTOR

(af) Respondent Nos.1 and 2 preferred a petition for challenging the auction notice before the District Collector, Aurangabad, on 11.03.2020 by putting forth prayer clauses A and B as under:-

- “A) The sale notice dated 14.02.2020 published in daily newspaper “Divyamarathi” and auction sale dated 14.03.2020 may kindly be set aside sake in the interest of Government.*
- B) Pending the hearing and final disposal of this application, grant stay to the operation, implementation and execution of the sale notice dated 14.02.2020, putting the applicants suit property for auction sale on 14.03.2020 and any further steps/ proceeding taken in pursuance to the said notice.”*

(ag) In the said petition, a theory of the land being class-2 was put forth. It was mentioned in paragraph 4 that respondent No.1 had mortgaged the land with petitioner No.1 Society. Certain details about how the land was purchased and converted to non agriculture as well as the appeal for regularization being pending before the Honourable Minister, are set out in the petition.

(ah) The couple took a stand that they purchased the land from one Sunita Sakhare and that petitioner No.1 society played

mischief and insisted on mortgage of the land purchased by the couple. Section 29 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as “the MLR Code”) was quoted and it was prayed that the proposed auction scheduled on 14.03.2020 be stayed.

(ai) By a hand written cryptic order, written in the margin of the stay application, the submissions of the learned advocate for the couple (petitioners before the Collector) were recorded and the auction was stayed.

(aj) The Additional Collector, who is delegated with the powers of the District Collector, does not have the jurisdiction to interject in the said proceedings when the revisional proceedings initiated by the couple were pending before the Revisional Authority.

(ak) The couple did not disclose in the body of the petition before the Additional Collector that the revisional proceedings were pending and that the stay petition was already argued on 11.03.2020 (the day on which the petition was filed before the District Collector and an ex-parte stay was obtained on the same date) and that the revisional authority had posted the matter for passing orders on 13.03.2020.

(al) Reliance is placed upon the judgment delivered by the learned Single Judge of this Court in *Barindra Overseas Private Limited vs. Shilpa Shares and Securities and others, 2018 (6) ALL MR 1*, to support the contention that the deposit of 50% before the revisional authority under Section 154(2) of the MCS Act was a mandate. Even if it is assumed that the District Collector had the jurisdiction, he should not have granted a blanket stay to the auction.

4. The submissions of the learned Senior Advocate Shri Hon representing respondent No.2, who is joined by the learned advocate representing respondent No.1, can be summarized as under :-

(a) Respondent No.1 is the owner and possessor of the 6 hectors land in Gat No.839.

(b) Revenue entries indicate even today that it is a class-1 land.

(c) She received the notice from the Revenue authorities for depositing an amount of Rs.91 lacs as the said land is a class-2 land.

(d) In 2011, she gathered knowledge that the land is a

class-2 land.

(e) Petitioner No.1 Credit Cooperative Society had disbursed loan to another borrower namely M/s Anand Industries and has obtained a search report and it was not noticed that it is a class-2 land.

(f) M/s Anand Industries owned a portion of the land from Gat No.839.

(g) She received the loan proposal from M/s Anand Industries through petitioner No.1 Society.

(h) She is the proprietor of M/s More Sports Industries and obtained a loan of Rs.1 crore in 2010 from petitioner No.1 Society and she mortgaged 6 hectares of land in Gat No.839.

(i) She denies that she received loan of Rs.1.5 crores.

(j) She has repaid Rs.1.29 crores as against the loan of Rs.1 crore.

(k) She gathered knowledge about the Section 107 proceedings due to the public notice.

(l) Petitioner No.1 Society has hatched a conspiracy to purchase the property at a low rate.

(m) In the petition before the Collector, she has taken a ground that the class-2 land cannot be transacted by virtue of

Section 61 of the MLR Code, 1966.

(n) She has purchased the land from M/s ACP Industries in 2007 and did not know that it is a class-2 land.

(o) She has approached the Honourable Minister against the refusal of stay by the Revisional Authority.

(p) As regards non disclosure of proceedings before the Revisional Authority, in the petition before the Collector, both the proceedings are different and there was no need for disclosure.

(q) The above stated contents are once again reiterated in the affidavit in reply filed by respondent No.2 i.e. the husband of respondent No.1.

(r) There is no efficacious remedy to these two respondents, save and except, the proceedings before the District Collector.

(s) The petitioners can appear before the District Collector and agitate their grievance.

(t) This Court need not entertain the petition and the same may be dismissed.

5. The learned Government Pleader has relied upon the

affidavit in reply dated 28.10.2020 filed by Dr.Anant Gavhane, Additional Collector, Aurangabad and the additional affidavit dated 04.01.2021 filed by the said authority. The strenuous submissions of the learned Government Pleader can be summarized as under :-

(a) This Writ Petition is not maintainable as an alternate remedy under the MLR Code is available.

(b) It is true that the couple has taken huge loan amounts from petitioner No.1 and has failed to repay the loan amounts.

(c) The couple approached his office for challenging the auction notice.

(d) The loan was sanctioned on mortgage of the land which is a class-2 land and such land cannot be sold without the prior permission of the authority in view of the provisions of the MLR Code.

(e) Prior permission of the competent authority to auction the land was not taken.

(f) The ex-parte stay granted is justified.

(g) There are old entries of the year 1958-1959 with regard to 7/12 extracts. The name of the Government is found in

the 7/12 extract.

(h) There is stamp on mutation entry No.8213.

(i) The land belongs to the Government and the auction proceedings were rightly stayed.

6. After considering the above noted submissions of the parties, we find the following factors to be glaring :-

(a) It is admitted that respondent Nos.1 and 2/ couple and the company as well as the industry are defaulters.

(b) Nowhere have the couple challenged the section 101 proceedings, which are completed through a public notice.

(c) The auction as well as the upset price has been assailed by the couple before the Revisional Authority under Section 154 of the MCS Act and the interim application under Section 154(2) was heard on 11.03.2020.

(d) On the same day, which is 11.03.2020, the couple approached the District Collector, Aurangabad by filing a petition taking a stand that the land is class-2 land. This ground is not even whispered before the Revisional Authority and the grounds taken before the Revisional Authority to challenge the auction and upset price, are not pleaded in the petition before the District

Collector.

(e) It is thus, apparent that respondent Nos.1 and 2/ couple have suppressed the proceedings before the Revisional Authority when they moved the District Collector against the auction, only to acquire an order by suppression of facts.

(f) It was the duty of the Additional Collector to apply his mind to the case and after going through the record placed before him, demand the production of the record so as to peruse the same, keeping in view that the auction was scheduled on 14.03.2020, which was three days away.

(g) Even a glance at the auction notice would have indicated the proceedings initiated under the MCS Act, which would have clearly given an idea to the Additional Collector that there are certain proceedings which have taken shape under the provisions of the MCS Act. The bar of Section 163 on the civil and revenue courts prescribed under the MCS Act, would have rendered the Additional Collector without jurisdiction since sub-section (3) of Section 163 pertains to all orders, decisions or awards passed in accordance with the MCS Act or Rules thereunder, would be subject to the provisions of appeal or revision in that Act and no such order, decision or award would

be challenged or set aside or modified or revised or declared void in any court upon the merits or any other ground.

(h) Be that as it may, we have consistently been calling upon the learned advocates for the respondents to indicate as to which provision of law was invoked by the respondents/ couple when they moved the District Collector. What was the provision which enabled the couple to file a petition, which would call upon the District Collector to deal with the proposed auction sale. Neither in the submissions of the counsel nor in the affidavits in reply, have the respondents pointed out any provision under which the District Collector could interject in the proceedings initiated under the MCS Act, which prescribed the auction sale as a final step for recovery of the amounts, which have already been quantified and crystallized.

7. We do not have even a slightest of doubt that the respondents/ couple has abused the process of law. The recovery certificate issued under Section 101 has not been challenged. The fixation of the upset price and the auction proceedings have been challenged before the Revisional Authority. While seeking interim relief, not a penny of the quantified amount under

Section 101 certificate has been deposited so as to be entitled to protection under Section 154(2) of the MCS Act. There is not a whisper before the Revisional Authority that the land is a class-2 land, purportedly. Similarly, there is not a whisper before the District Collector that the proceedings under Section 154 of the MCS Act are pending. There is no statement before the District Collector in the petition that the couple has not approached any other court or authority for challenging the auction sale. In prayer clauses B and C, the public auction scheduled on 14.03.2020 has been specifically challenged before the Revisional Authority under Section 154 of the MCS Act. In fact, it is pleaded in ground 5 that before issuing the sale notice, as per Rule 107 (11) (d)(i) of the MCS Rules, 1961, possession of the property is required to be taken by delivering the possession notice to the borrower. It is, therefore, apparent and glaring that the couple has misled the Additional Collector, inasmuch as, the Additional Collector has casually passed the impugned order without even assessing as regards the litigation and as to which were the proceedings that led to the publication of the auction notice in a largely circulated newspaper.

8. The conduct of the couple is squarely covered by the

judgment delivered by the Honourable Supreme Court in ***Kishore Samrite v/s State of Uttar Pradesh, (2013) 2 SCC 398***, in which the Honourable Supreme Court has recorded in paragraphs 31 to 40 as under :-

“Abuse of the process of Court :

31. *Now, we shall deal with the question whether both or any of the petitioners in Civil Writ Petition Nos. 111/2011 and 125/2011 are guilty of suppression of material facts, not approaching the Court with clean hands, and thereby abusing the process of the Court. Before we dwell upon the facts and circumstances of the case in hand, let us refer to some case laws which would help us in dealing with the present situation with greater precision.*
32. *The cases of abuse of the process of court and such allied matters have been arising before the Courts consistently. This Court has had many occasions where it dealt with the cases of this kind and it has clearly stated the principles that would govern the obligations of a litigant while approaching the court for redressal of any grievance and the consequences of abuse of the process of court. We may recapitulate and state some of the principles. It is difficult to state such principles exhaustively and with such accuracy that would uniformly apply to a variety of cases. These are:-*
 - (i) *Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the Courts, initiated proceedings without full disclosure of facts and came to the courts with ‘unclean hands’. Courts have held that such litigants are neither entitled to be heard on the merits of the case nor entitled to any relief.*

(ii) *The people, who approach the Court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigant has broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.*

(iii) *The obligation to approach the Court with clean hands is an absolute obligation and has repeatedly been reiterated by this Court.*

(iv) *Quests for personal gains have become so intense that those involved in litigation do not hesitate to take shelter of falsehood and misrepresent and suppress facts in the court proceedings. Materialism, opportunism and malicious intent have over-shadowed the old ethos of litigative values for small gains.*

(v) *A litigant who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.*

(vi) *The Court must ensure that its process is not abused and in order to prevent abuse of the process the court, it would be justified even in insisting on furnishing of security and in cases of serious abuse, the Court would be duty bound to impose heavy costs.*

(vii) *Wherever a public interest is invoked, the Court must examine the petition carefully to ensure that there is genuine public interest involved. The stream of justice should not be allowed to be polluted by unscrupulous litigants.*

(vii) *The Court, especially the Supreme Court, has to maintain strictest vigilance over the abuse of the process of court and ordinarily meddlesome bystanders should not be granted “visa”. Many societal pollutants create new problems of unredressed grievances and the Court should endure to take cases where the justice of the lis well-justifies it.*

[Refer : Dalip Singh v. State of U.P. & Ors. (2010) 2 SCC 114; Amar Singh v. Union of India & Ors. (2011) 7 SCC 69 and State of Uttaranchal v Balwant Singh Chaufal & Ors. (2010) 3 SCC 402].

33. *Access jurisprudence requires Courts to deal with the legitimate litigation whatever be its form but decline to exercise jurisdiction, if such litigation is an abuse of the process of the Court. In P.S.R. Sadhanantham v. Arunachalam & Anr. (1980) 3 SCC 141, the Court held:-*

“15. The crucial significance of access jurisprudence has been best expressed by Cappelletti:

“The right of effective access to justice has emerged with the new social rights. Indeed, it is of paramount importance among these new rights since, clearly, the enjoyment of traditional as well as new social rights presupposes mechanisms for their effective protection. Such protection, moreover, is best assured be a workable remedy within the framework of the judicial system. Effective access to justice can thus be seen as the most basic requirement the most basic ‘human-right’ of a system which purports to guarantee legal rights.”

16. We are thus satisfied that the bogey of busybodies blackmailing adversaries through frivolous invocation of Article 136 is chimerical. Access to justice to every bona fide seeker is a democratic dimension of remedial jurisprudence even as public interest litigation, class action, pro bono proceedings, are. We cannot dwell in the home of processual obsolescence when our Constitution highlights social justice as a goal. We hold that there is no merit in the contentions of the writ petitioner and dismiss the petition.”

34. *It has been consistently stated by this Court that the entire journey of a Judge is to discern the truth from the pleadings, documents and arguments of the parties, as truth is the basis of the Justice Delivery System.*
35. *With the passage of time, it has been realised that people used to feel proud to tell the truth in the Courts, irrespective of the consequences but that practice no longer proves true, in all cases. The Court does not sit simply as an umpire in a contest between two parties and declare at the end of the combat as to who has won and who has lost but it has a legal duty of its own, independent of parties, to take active role in the proceedings and reach at the truth, which is the foundation of administration of justice. Therefore, the truth should become the ideal to inspire the courts to pursue. This can be achieved by statutorily mandating the Courts to become active seekers of truth. To enable the courts to ward off unjustified interference in their working, those who indulge in immoral acts like perjury, prevarication and motivated falsehood, must be appropriately dealt with. The parties must state forthwith sufficient factual details to the extent that it reduces the ability to put forward false and exaggerated claims and a litigant must approach the Court with clean hands. It is the bounden duty of the Court to ensure that dishonesty and any attempt to surpass the legal process must be effectively curbed and the Court must ensure that there is no wrongful, unauthorised or unjust gain to anyone as a result of abuse of the process of the Court. One way to curb this tendency is to impose realistic or punitive costs.*
36. *The party not approaching the Court with clean hands would be liable to be non-suited*

and such party, who has also succeeded in polluting the stream of justice by making patently false statements, cannot claim relief, especially under Article 136 of the Constitution. While approaching the court, a litigant must state correct facts and come with clean hands. Where such statement of facts is based on some information, the source of such information must also be disclosed. Totally misconceived petition amounts to abuse of the process of the court and such a litigant is not required to be dealt with lightly, as a petition containing misleading and inaccurate statement, if filed, to achieve an ulterior purpose amounts to abuse of the process of the court. A litigant is bound to make "full and true disclosure of facts". (Refer : Tilokchand H.B. Motichand & Ors. v. Munshi & Anr. [1969 (1) SCC 110]; A. Shanmugam v. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam & Anr. [(2012) 6 SCC 430]; Chandra Shashi v. Anil Kumar Verma [(1995) SCC 1 421]; Abhyudya Sanstha v. Union of India & Ors. [(2011) 6 SCC 145]; State of Madhya Pradesh v. Narmada Bachao Andolan & Anr. [(2011) 7 SCC 639]; Kalyaneshwari v. Union of India & Anr. [(2011) 3 SCC 287]).

37. *The person seeking equity must do equity. It is not just the clean hands, but also clean mind, clean heart and clean objective that are the equi-fundamentals of judicious litigation. The legal maxim jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiolem, which means that it is a law of nature that one should not be enriched by the loss or injury to another, is the percept for Courts. Wide jurisdiction of the court should not become a source of abuse of the process of law by the disgruntled litigant. Careful exercise is also necessary to ensure that the litigation is genuine, not*

motivated by extraneous considerations and imposes an obligation upon the litigant to disclose the true facts and approach the court with clean hands.

38. *No litigant can play 'hide and seek' with the courts or adopt 'pick and choose'. True facts ought to be disclosed as the Court knows law, but not facts. One, who does not come with candid facts and clean breast cannot hold a writ of the court with soiled hands. Suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. In such cases, the Court is duty bound to discharge rule nisi and such applicant is required to be dealt with for contempt of court for abusing the process of the court. {K.D. Sharma v. Steel Authority of India Ltd. & Ors. [(2008) 12 SCC 481].*
39. *Another settled canon of administration of justice is that no litigant should be permitted to misuse the judicial process by filing frivolous petitions. No litigant has a right to unlimited drought upon the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be used as a licence to file misconceived and frivolous petitions. (Buddhi Kota Subbarao (Dr.) v. K. Parasaran, (1996) 5 SCC 530).*
40. *In light of these settled principles, if we examine the facts of the present case, next friends in both the petitions are guilty of suppressing material facts, approaching the court with unclean hands, filing petitions with ulterior motive and finally for abusing the process of the court."*

9. The conduct of the couple is also covered by the law

laid down by the Honourable Supreme Court on suppression of material information in the matter of ***Bhaskar Laxman Jadhav and others vs. Karamveer Kakasaheb Wagh Education Society, AIR 2013 SC 523.***

10. Notwithstanding the above, we find it quite intriguing that the Additional Collector did not even direct the couple to deposit a single penny when the auction notice clearly indicated that the couple were defaulters. To balance the equities and ensure that injustice is not done to any party while attempting to do justice to the litigant before him, the Additional Collector should have refrained from granting a blanket stay. To say the least, such orders give rise to an allegation of extraneous considerations when such revenue authorities grant blanket stay. The law laid down by the learned Division Bench of this Court in ***M/s Shewalkar Developers Ltd. vs. Rupee Cooperative Bank Ltd. and others, 2017(1) ALL MR 605***, is squarely applicable wherein, this Court was constrained to initiate a disciplinary action against an authority for granting blanket stay.

11. In view of the above, we conclude that the Petition No. __/2020-Kavi/112 has been filed by the couple before the District Collector without invoking any specific provision under

the MLR Code, 1966 and for deriving an undeserving relief. So also, none of the respondents were able to point out as to which was the provision under which the District Collector registered the proceedings and as such, the form and style in which the petition has been filed, indicates that no provision of law was specifically invoked.

12. In view of the above, this Writ Petition is allowed in terms of prayer clause B.

13. Taking into account the conduct of respondent Nos.1 and 2/ couple in indulging in abuse of the process of law, while dismissing the proceeding preferred by them before the District Collector/ Additional Collector, we are imposing costs of Rs.50,000/- (Rupees Fifty Thousand) on each of the two respondent Nos.1 and 2, to be deposited in this Court on or before 30.11.2021, failing which, the District Collector, Aurangabad shall initiate proceedings for recovery of the said amount as arrears of land revenue by invoking his powers under the MLR Code, 1966.