

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5455 OF 2021

Srijit Kannoly & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

.....

Mr. Viral Rathod i/b Mangesh Nalawade for the Petitioners.

Mrs. S. S. Bhende, AGP for the State (Respondent Nos. 1 and 2.)

.....

**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : SEPTEMBER 13, 2021.**

P.C. :-

. Heard.

2. The learned counsel for Petitioner a submits that a copy of the petition is duly served on Respondent Nos. 1 and 2. He submits that by this petition, the Petitioners are seeking directions against Respondent No.2 to provide him all the papers pertaining to the recovery certificate dated 17/08/2021 to enable him to file revision application before an appropriate authority. Hence, notice to Respondent Nos. 3 and 4 is not necessary.

3. By this petition, under Article 226 of the Constitution of India, the Petitioners are seeking directions against Respondent No.2 to provide him all the papers pertaining to the recovery certificate dated 17/08/2021 i.e. application filed by the Society under Section 101 of the Maharashtra Co-operative Housing Societies Act.

4. The learned counsel for the Petitioners submits that though the Petitioners called upon the Respondents to provide those documents, they failed and neglected to do so. He submits that by recovery certificate dated 17/08/2021 Respondent Nos. 2, 3 and 4 called upon the Petitioners to pay a sum of Rs. 4,83,617/- (Rupees Four Lac Eighty Three Thousand Six Hundred and Seventeen only) with interest. He submits that it is the case of the Petitioners that, without issuing any notice and/or service of proceedings under Section 101, the Authority passed impugned order dated 17/08/2021 i.e. recovery certificate. Hence, the Petitioners preferred the present writ petition.

5. Considering the submissions made by the learned counsel for the Petitioners and the limited prayer of the petition is that Respondent No.2 Authority be directed to provide all the papers of the recovery certificate dated 17/08/2021, so that he can file an appropriate revision before the Authority, we are of the opinion that the Petitioners are entitled for the said relief. Hence, the following order:

- a. Respondent No.2 is directed to provide all the papers and proceedings of the recovery certificate dated 17/08/2021 to the Petitioner on payment of usual charges on or before 08/10/2021.
- b. Parties to act upon authenticated copy of this order.
- c. The writ petition stands disposed of with these directions.
- d. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K. TATED, J.)