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

4 WRIT PETITION NO.4328 OF 2022

**SHRI CHHATRAPATI RAJASHRI SHAHU URBAN CO-OP
BANK LTD THROUGH ITS RECOVERY OFFICER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr K. J. Suryawanshi, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 17th August, 2022

PER COURT:

1. The petitioner/Society has put forth prayer clause (B),
which reads as under :-

“B) By issuing writ of certiorari, orders or directions in like nature, the letter/communication dated 14.1.2021 issued by the respondent no. 3 refusing to consider the application of petitioner bank filed U/r 107 (11)(d-1)(vi) of the M.C.S. Rules, 1961 may please be quashed and set-aside and the respondent no. 2 be directed to decide the application and to handover the possession of properties to the petitioner.”

2. By the impugned order, the Additional District Collector, Ahmednagar has informed that the petitioner should approach the

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Registrar under Section 156 of the Maharashtra Co-operative Societies Act, 1960.

3. We have perused the orders passed by this Court, dated 16/09/2021 and 07/10/2021 in Writ Petition Nos.10242/2021 and 10249/2021, filed by the Chikhali Urban Co-operative Bank Ltd. in similar set of circumstances.

4. The learned A.G.P. submits on instructions on behalf of the respondents that, in the light of the orders of this Court, dated 16/09/2021 and 07/10/2021, the petitioner can file a fresh proposal and the District Collector would consider the same on it's own merits.

5. In view of the above, this petition is partly allowed. The impugned communication dated 14/01/2021 is quashed and set aside.

6. The petitioner is at liberty to tender a fresh proposal to respondent No.2, on or before 30/08/2022. Thereafter, respondent No.2 would deal with the said proposal in accordance with the Rules applicable and decide the same, on or before 15/11/2022, in

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view of no personal hearing being contemplated or required under the Rules. Respondent No.2 has to pass administrative orders.

7. Needless to state, the District Collector shall follow the procedure as is prescribed in law and shall not be influenced by the observations of this Court.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk