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

WRIT PETITION NO.3115 OF 2022

Bharat Govind Dhumal ... Petitioner
vs
Gurudev Datta Nagari Sahakari
Patsanstha Ltd & Ors. ... Respondents

Mr. P. N. Joshi for the Petitioner.
Mr. S. S. Panchpor AGP for the Respondent No.1.

**CORAM: REVATI MOHITE DERE &
MADHAV JAMDAR, JJ.**

DATE : 25TH APRIL 2022

P.C:-

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks the following substantive reliefs:

“(a) This Hon’ble Court in the interest of justice be pleased to issue an appropriate writ/order declaring the action/orders, initiating the recovery proceeding,

and appointing Recovery Officer, for executing an Enquiry Report dated 31.09.2021 against the Petitioner, when a statutory Appeal being Appeal No.51 of 2021 is pending before the Respondent No.7, and said action/order be declared to be illegal and arbitrary.

(b) This Hon'ble Court in the interest of justice be pleased to issue an appropriate writ/order for quashing and setting aside the orders of attachments as well as fixing of the upset price which the Respondent No.4 has done vide orders dated 10.09.2021 and 17.02.2022 to be illegal, arbitrary and contrary to the provisions of Rule 107 of said Rules;

3. By way of the interim relief, the following prayer is sought:

“(c) Pending the hearing and final disposal of this Writ Petition, a further proceeding in respect of the execution and impletion of the recovery proceeding by way of auction of the land belonging to the petitioner being Land Gut No.735/2 situated at Adarsul, at the hands of Respondent No.4, may kindly be stayed.”

4. Learned counsel for the petitioner states that the petitioner's appeal filed under section 88 of the Maharashtra Co-operative Societies Act, is pending before the respondent no.7, i.e. Divisional Joint Registrar, Nashik Division, Nashik. The said appeal is filed against the order dated 31st March 2021 passed by the respondent no.6 i.e. Authorised Officer under section 88 of the Act, for enquiry in respect of, Gurudev Datta Nagari Sahakari Patsanstha Ltd.

5. It appears that during the pendency of the petitioner's appeal with the respondent no.7, the petitioner's properties have been attached.

6. Without going into the merits of this petition, since the petitioner's appeal is pending before the respondent No.7- Divisional Joint Registrar, Nashik Division, Nashik, we deem it appropriate to direct the respondents, not to take any coercive steps with respect to the petitioner's properties, pursuant to the attachment, till such time the petitioner's interim application filed in the Appeal before the respondent no.7 is decided.

7. If any adverse order is passed in the interim application filed in the appeal, the same shall not be given effect to for a period of two weeks from the said order.
8. It is made clear that we have not gone into the merits of the petition and as such all contentions of all parties are kept open.
9. The petition is disposed of in the aforesaid terms.
10. All parties to act on an authenticated copy of this order.

MADHAV JAMDAR, J.

REqVATI MOHITE DERE, J.