

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

WRIT PETITION NO. 4199 OF 2019

Sunanda Chandrashekhar Bijjargi
(since Decd.) Through Lrs.

....Petitioners

V/S

Shri. Sainath Mahila Nagari Sahakari Pat
Sanstha Maryadit, Sangli Through Its
Secretary & Ors.

....Respondents

Adv. Amit Kumar D. Sale for the Petitioners.
Mr. Makarand Madan Kale for the respondent no. 1.
Shri P. P. Pujari, AGP for respondent nos. 3 & 4

CORAM : NITIN W. SAMBRE, J.

DATED : 10th AUGUST, 2022

P.C.:

1. Heard.
2. The order impugned is dated 26/06/2018 passed in exercise of powers under rule 107(11)(D-1)(6-A) of Maharashtra Co-operative Society Rules, 1961, amended on 2014.
3. The order impugned is at the behest of the respondent nos. 1-Society & the respondent no. 2-recovery officer and the respondent no. 4 has directed the possession of the suit property be handed over to the respondent no. 1-society.
4. It appears that before the aforesaid order was passed,

notice of hearing was issued against the Sunanda Chadrashekhhar Bijjargi who was the original borrower and the said notice was returned as the said party has expired.

5. As such, the order passed by the respondent no. 4-Tahasildar appears to be without offering an opportunity of hearing to the legal heirs of the said deceased i.e. the present Petitioner Nos. 1a to 1e.

6. In that view of the matter, the order impugned dated 26/06/2018 directing the possession of the suit property is hereby quashed and set aside.

7. The petitioners herein agreed that they shall be appearing before the respondent no. 4-Tahasildar on 05/09/2022 so as to enable the said respondent no. 4-Tahasildar to pass appropriate order in exercise of powers under Rule 107 of the Maharashtra Co-operative Society Rules, 1961.

8. The counsel for the respondent nos. 1 & 2 agreed to the above and assures that they shall also appear before the authority thereby rendering every assistance for expeditious disposal of the said proceeding.

9. The petition stands allowed in the above terms.

10. The statement of the learned counsel for the petitioners is taken on record that they shall not create any 3rd party interest in relation to the suit property till the proceedings are decided.

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(NITIN W. SAMBRE, J.)