

BASAVRAJ
GURAPPA
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6305 OF 2022

Baljit Kaur

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Madhur Rai a/w. Sachin Kanse I/b. PRS Legal for the
Petitioner

Mrs. P.J.Gavhane, AGP for the State

Mr. Vishal C. Ghogalkar for Respondent No.4

CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.

DATED : JUNE 6, 2022

P.C.

1 The learned Counsel for the Petitioner submits that the writ property is not a mortgaged property. The writ property was owned by the deceased father of the Petitioner. There are other legal heirs. One of the brothers of the Petitioner is alleged to be a guarantor. The present petitioner is not concerned with the alleged proceedings under Section 101 of the Maharashtra Cooperative Societies Act, 1960 (**said Act**). The Respondents resorted to Rule 107 of the Maharashtra Cooperative Societies Rules, 1961 (**said Rules**). They initially attached the property and

thereafter took the possession. Now, they are trying to sell the property. Same is illegal. The property is not at all mortgaged to the Respondent Bank.

2 We have heard the learned AGP for the State.

3 The proceedings are initiated resorting to Rule 107 of the Rules. The Petitioner has already availed the remedy under Section 154 of the said Act by filing a Revision. The same is pending. The Petitioner is at liberty to avail the interim orders in the said revisional proceedings.

4 The Petitioner claims to have share in the property. The Civil Court is competent to determine the share of the parties. The Petitioner, earlier had also filed Writ Petition (L) bearing No.836 of 2019. The Learned Single Judge of this Court under order dated 15th March 2019 dismissed the Writ Petition with liberty to the Petitioner to avail other remedies available. The Learned Single Judge in the said order observed that the Petitioner can file revision or a suit to establish her rights. The said remedy is open to the Petitioner.

5 In view of that, we are not inclined to entertain the Writ Petition. The Writ Petition is disposed of.

6 Considering the exigency in the matter, the Revisional Authority may expedite the hearing of the matter. All contentions of the parties are kept open.

(MADHAV J. JAMDAR, J.) (S.V. GANGAPURWALA, J.)