

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8451 OF 2022

Mr.Dnyaneshwar Nivrutti Tupe

...Petitioner

Versus

The Assistant Registrar Co. Op. Soc.

Niphad and Ors.

...Respondents

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KAMBLE

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Mr.Rameshwar N. Gite a/w Mr.Rohit Gorade for the Petitioner.
Mrs.S.S. Bhende, AGP for the Respondent-State.

CORAM : S.V. GANGAPURWALA &
S. V. MARNE, JJ.

DATE : 19 JULY 2022

P.C:-

. The learned counsel for the Petitioner submits that the Petitioner owns property bearing Gut No.107 admeasuring 10R. He has purchased the said property under Registered instrument of sale in his own name. No other person has right, title or interest in the said property. 40 students are taking education.

2. The learned counsel submits that the Petitioner was not a party also before the Tribunal. No notice of hearing was issued to the Petitioner.

3. The learned counsel for Respondent No.3 submits that there are huge amounts outstanding against the family members of the Petitioner and therefore the entire joint property is liable for attachment and sale so as to recover the dues.

4. The property, according to the Petitioner, is owned by the Petitioner individually. The Petitioner claims that he had never received notice from the Tribunal nor was the party before the Tribunal.

5. The cardinal and fundamental principles of natural justice is violated.

6. In light of the above, we pass following order :-

ORDER

(i) The impugned order to the extent of the Property Gut No.107 admeasuring 10R situated at Mauje-Belu, Taluka-Sinnar, Distric-Nashik is set aside.

(ii) The Petitioner shall appear before the Tribunal on 4 August 2022 and put forth his case.

(iii) The Appellate Court after hearing the Petitioner and the APMC pass the order afresh with

regard to the Gut No.107 admeasuring 10R situated at Mauje-Belu, Taluka-Sinnar, Distric-Nashik.

7. The Writ Petition is accordingly disposed of. No costs.

8. It is made clear that we have not interfered with the order of the Tribunal qua the other property.

(S.V. MARNE, J.)

(S.V. GANGAPURWALA, J.)