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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 3664 OF 2022
IN
INTERIM APPLICATION No. 1977 OF 2022**

Mr. Harold Francis AlbuquerquePetitioner/Applicant
V/s.
State of Maharashtra and Ors.Respondents

Mr. Ashok M. Saraogi, Advocate for the Petitioner
Mrs. V.S. Nimbalkar, AGP for the Respondent -State

CORAM : SANDEEP K. SHINDE, J.
DATED : 17TH OCTOBER, 2022.

PC. :

1. Heard Mr. Saraogi, learned counsel for the Petitioner and Mrs. Nimbalkar, learned AGP for the State.
2. Petitioner would assert, that vide registered deed of conveyance, dated 20th April, 2022, he purchased plot no. 14 admeasuring 500 sq.mtrs., of sanctioned lay-out at Village: Malavali of the Society, known as Ramugade Sahaniwas No.1, Sahakari Griha Rachana Sanstha Maryadit (hereinafter called 'Society' for short). One, Narendra Keni, was a member of the said society. The proceedings initiated against, Narendra Keni by the society, culminated into recovery certificate dated 16th August, 2016, under

Section 101 of the Maharashtra Co-operative Societies Act, 1960 ('said Act' for short). Whereafter, the proceedings under Rule 107 of the MCS Rules, were initiated to executed Recovery Certificate. To that end, Special Recovery Officer, Pune issued final attachment notice under Rule 107 (11) (d) of the said Rules, followed by notice to auction the said plot. Although notice was caused to Mr. Narendra Keni, (Vendor of Petitioner), Petitioner seeks to quash the said notice. It seems Petitioner is claiming right in the said property/plot, on the strength of registered conveyance. IF that be so, he may take recourse to Sub-Rule 19(a) of Rule 107 of the MCS Rules. Therefore, in view of alternate remedy, available in law, at the first place petition was not maintainable. However, in view of the fact that, the petitioner is purchaser of the property in question, he may prefer claim to attachment of the said property. In the event, such a claim is made, Recovery Officer may decide the claim, in accordance with law. Yet all questions relating to maintainability of such application are expressly kept open. It is also clarified that, this Court has neither examined Petitioner's right to the property in question, nor the validity of the sale deed dated 20th April, 2012.

3. With these observations, petition is disposed of including all the applications therein.

(SANDEEP K. SHINDE, J.)