

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.142 OF 2021

Jai Shashank Coop. Hsg.Society Ltd. Petitioner.

Vs.

State of Maharashtra & Ors. ... Respondents.

Mr.Vachan Bodke a/w Mr. Aniket Tawde i/b V & M Legal for petitioner.

Mr.Manish Upadhye, AGP for respondent nos.1 and 2.

Mr.Nikhil Rajani a/w Ms Jyoti Sanap i/b V Deshpande & Co. for respondent no.3.

**CORAM : K.R. SHRIRAM &
PRITHVIRAJ K.CHAVAN, JJ.**

DATE : 21st JUNE, 2022.

PC.:

1. Pursuant to an order passed by the Presiding Officer in the Court of Chief Metropolitan Magistrate, flat no.402, on the 4th floor in the building known as “Horizon Tower” situated at plot no.1, Badrakata Society Lane, V.N.Purav Marg, Chunabhatti(E), Mumbai-400 022 was sold in auction by respondent no.3.

2. Petitioner is the Society where the said property is situated. Petitioner is upset with the sale as well as sale certificate.

3. Petitioner also wants this Court to direct respondent no.3 to accept

outstanding loan amount from the petitioner and hand over possession of the said flat to petitioner.

4. In our view, alternate remedy available to the petitioner is to approach the Debt Recovery Tribunal (DRT). Therefore, this petition is dismissed with liberty to petitioner to approach DRT who shall consider petitioner's application in accordance with law.

5. We clarify that we have not made any observations on the merits of petitioner's claim.

(PRITHVIRAJ K.CHAVAN, J.)

(K.R.SHRIRAM, J.)

