

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

909 WRIT PETITION NO.12418 OF 2023

ASHA RANGNATH CHAKOTE  
VERSUS  
THE STATE OF MAHARASHTRA  
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner: Mr. Nirmal Ramchandra J.  
AGP for Respondent/State: Mr. K. N. Lokhande

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25<sup>th</sup> OCTOBER, 2023

PER COURT:

1. Heard.

2. The petitioner submits that the mortgage deed is originally of 320 Sq.Ft., however, the auction today is of 1218 Sq.Ft. Of the petitioner's property and it has traveled beyond the mortgaged property. The learned counsel further submits that the auction notice is dated 06.10.2023 and the date of auction is 27.10.2023. This is in violation of Rule 107(10-E) of the Maharashtra Co-operative Societies Rules, 1961 (*hereinafter referred to as "the Rules"*). He submits that there has to be 30 days clear notice.

3. In terms of Rule 107(14)(i) of the Rules, the petitioner is at liberty raise all these issues before the District Deputy Registrar for setting aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it. Rule 107(14)(i) is quoted below:

***"107(14)(i) At any time within thirty days from the date of the sale of immovable property, the applicant or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the District Deputy Registrar to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:"***

4. In view of the provision of Rule 107(14)(i) of the Rules, the present writ petition is disposed of with liberty to the petitioner to challenge the same before the appropriate authority under Rule 107(14)(i) of the Rules.

5. If such an application is filed, the authority concerned to decide it in accordance with law.

**[ARUN R. PEDNEKER, J.]**