

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6804 OF 2022

Prasad Narayan Purandare

...Petitioner

vs.

State of Maharashtra and Others

...Respondents

**VISHAL
SUBHASH
PAREKAR**

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VISHAL SUBHASH
PAREKAR

Date: 2023.07.07
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Ms. Sapna Krishnappa, for the Petitioner.

Mr. C.D. Mali, AGP for the Respondent-State.

CORAM : N. J. JAMADAR, J.

DATE : JULY 06, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 21st December, 2021 passed by the Divisional Joint Registrar, Cooperative Societies, Pune in Revision Application No. 151 of 2013 whereby the Revision Application preferred by the petitioner came to be dismissed.
3. By the said Revision Application, the petitioner No. 1 assailed the order passed by the Dy. Registrar, Cooperative Societies, Pune on 15th January, 2013 approving the sale of the property in public auction.
4. From the perusal of the impugned order, it becomes evident that the petitioner had not challenged the recovery certificate issued under section 101 of the Maharashtra Cooperative Societies

Act, 1960. Nor the auction sale was assailed in the manner provided by Rule 107 (13) and (14) of the Maharashtra Cooperative Societies Rules, 1961.

5. The challenge to the auction sale is primarily based on the fact that the respondent No. 2- society had shown the loan without crediting the amount to the account of the petitioner. Such question could not have been inquired into by the Dy. Registrar in a challenge to the auction sale. Hence, there is no merit in the petition.

6. The petition stands dismissed.

(N. J. JAMADAR, J.)