

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8260 OF 2023

Mandar Milind Kadam & Ors, ...Petitioners

V/s.

The District Magistrate & Ors. ...Respondents

Mr. S.S. Natu i/by Mr. S.S. Panchpor for Petitioners.

Mr. Aadesh M. Patil for Respondent Nos. 3 and 4.

Mr. P.P. Pujari, AGP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 16th October 2023

P.C.:

1. Heard Mr. Saurabh Natu alongwith Mr. Panchpor, learned Counsel appearing for the Petitioners, Mr. Aadesh Patil, learned Counsel appearing for Respondent Nos. 3 and 4 and the learned AGP for the State.

2. The impugned order in the present Writ Petition is order dated 9th May 2023 passed by the District Magistrate and Collector and possession notice dated 7th June 2023.

3. By the impugned order dated 9th May 2023, the District Magistrate and Collector passed order of taking possession

under Section 156 of the Maharashtra Co-operative Societies Act, 1960 read with Rule 107 of the Maharashtra Co-operative Societies Rules, 1976.

4. Learned Counsel appearing for Respondent Nos. 3 and 4 states that the possession of the land in question is already taken and tenders panchanama of taking possession dated 5th October 2023. The impugned order of taking possession has been passed as inspite of issuance of recovery certificate dated 26th September 2021, the same is not complied with.

5. Accordingly, no illegality can be found in the impugned order. The Writ Petition is dismissed, however, with no order as to costs.

BHALCHANDRA
GOPAL
DUSANE

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GOPAL DUSANE
Date: 2023.10.19
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(MADHAV J. JAMDAR, J.)