

Arjun

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

**WRIT PETITION NO.10292 OF 2023
WITH
INTERIM APPLICATION (ST) NO.25649 OF 2023
IN
WRIT PETITION NO.10292 OF 2023**

Pratap Bhaurao Patil

...Applicant

In the matter between

Pratap Bhaurao Patil

...Petitioner

V/s.

Shri. Kulswami Co-op.
Credit Society Ltd. & Ors.

...Respondents

Mr. Vivek V. Phadke, for the Applicant/Petitioner.

Mr. Manoj A. Patil, for Respondent Nos.1 & 2.

Mr. Chetan G. Patil, for Respondent No.3.

**CORAM : MADHAV J. JAMDAR, J.
DATED : OCTOBER 17, 2023**

P.C.:

1. Heard Mr. Phadke, learned counsel appearing for the Petitioner.

2. The challenge in present Writ Petition is to the legality and validity of the order dated 13th June 2023 passed by the learned Additional District Magistrate, Thane in Application No.72 of

2022. The said order is passed under Rule 107 (11) (d-1) (vi) (a) of the Maharashtra Co-operative Societies Rules, 1961.

3. It is an admitted position that the recovery certificate dated 13th September 2021 has been issued and as the same is not challenged, the same has attained finality.

4. Mr. Patil, learned counsel appearing for Respondent Nos.1 and 2 states that pursuant to the impugned order dated 13th June 2023 the possession has been taken and it is with the bank.

5. The Petitioner is also challenging the auction dated 9th June 2023 conducted by the Respondent Nos.1 and 2. However, the auction cannot be directly challenged in the Writ Petition filed Article Section 227 of the Constitution of India and there is alternate remedy.

6. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

7. It is clarified that, this Court has not passed any ad-interim order and ad-interim order, if any stands vacated forthwith.

8. In view of the dismissal of the Writ Petition, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]