

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

WRIT PETITION NO.16011 OF 2022

Saras Urban Co-op Credit Soc. Ltd.	...Petitioner
Versus	
Divisional Joint Registrar Co-op. Soc. Pune & Ors.	Respondents

...

Mr. Nagesh Chavan i/b Ms. Yogita V. Lanjekar, for Petitioner.
Mr. P.P. Pujari, AGP for Respondent Nos.1 and 4.

...

CORAM : SANDEEP V. MARNE, J.
DATE : SEPTEMBER 26, 2023

P.C.:

1. By this Petition, Petitioner-Society challenges order dated 11 May 2022 passed by the Divisional Joint Registrar, Co-operative Societies, Pune rejecting Revision Application No.387 of 2021 as well as order dated 29 November 2021 passed by the Special Recovery Officer.

2 Perusal of the order passed by the Special Recovery Officer would indicate that the Petitioner-Society has already been granted liberty to seek possession of unmortgaged property by following the procedure prescribed under the provisions of the Maharashtra Co-operative Societies Act, 1960 (**the Act**) as well as the Maharashtra Co-operative Societies Rules, 1961, (**the Rules**). Instead of following the said procedure, the Petitioner-Society has unnecessarily litigated before the Divisional Joint Registrar and now before this Court.

3 Since the remedy of attaching and selling the unmortgaged property is already granted in favour of the Petitioner-Society, it is not necessary to entertain the present Petition. The Writ Petition is accordingly disposed of with a liberty to the Petitioner-Society to proceed in respect of unmortgaged property as per the provisions of the Act and Rules.

(SANDEEP V. MARNE, J.)