



Arjun

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

WRIT PETITION NO.12590 OF 2023

Ganesh Prakash Renake

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

**WITH
WRIT PETITION NO.12608 OF 2023**

Ganesh Prakash Renake

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Bhushan Walimbe a/w Mayank Tripathi, for the
Petitioner.

Mr. S. D. Rayrikar, AGP, for the Respondent No.1-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : OCTOBER 10, 2023**

P.C.:

- 1.** Heard Mr. Walimbe along with Mr. Tripathi, learned counsel appearing for the Petitioner.
- 2.** The Writ Petition (St) No.24900 of 2023 is not on board. Taken on board as the common issues are involved in both the Writ Petitions.
- 3.** In Writ Petition No.12590 of 2023 challenge is to the legality and validity of the order dated 31st August 2023 passed

by the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune in Revision Application No.319 of 2022 by which the said Revision was dismissed and the orders dated 16th July 2021 and 14th October 2021 passed by the Special Recovery Officer, Baramati Sahakari Bank Ltd. were confirmed.

4. The Petitioner in both the Writ Petitions is the same and the impugned orders in the said Writ Petitions are also of the same nature, however, concerning different properties.

5. The Petitioner is the son of Respondent No.5-Prakash Dagadu Renake. By the order dated 16th July 2021, the property of Respondent No.4-Vilas Dagadu Renake, Respondent No.5-Prakash Dagadu Renake and Respondent No.6-Suresh Dagadu Renake is directed to be attached. The Respondent Nos.4 to 6 are brothers. By the order dated 14th October 2021, actions in furtherance of the said order dated 16th July 2021 has been taken.

6. It is the contention of learned counsel appearing for the Petitioner that in the properties which are subject matter of both the Writ Petitions, the Petitioner is having share and that the Petitioner has no concern with the loan transaction and, therefore, the said order by which his property or the property in which he is having share cannot be attached.

7. However, it is admitted position that the property in

question is mortgaged with the Respondent No.2-Bank by the Respondent Nos.4, 5 and 6. The Respondent No.5 is father of the Petitioner and the Respondent Nos.4 and 6 are uncles. It is admitted position that the Petitioner and the Respondent Nos.4, 5 and 6 are staying together.

8. Therefore, it is clear that the property is mortgaged with the Bank for securing the loan amount and that the loan amount is not yet repaid. It is also admitted position that two separate recovery certificates are issued for an aggregate amount of about Rs.66 Lakhs. Learned counsel appearing for the Petitioner fairly admits that after issuance of the recovery certificate, nothing has been paid to the Respondent No.2-Bank. In view of the facts and circumstances of the case, no interference under Article 227 of the Constitution of India is warranted.

9. Accordingly, the Writ Petitions are dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]