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BHALCHANDRA
GOPAL
DUSANE

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

WRIT PETITION NO.15194 OF 2023

Balasaheb Dnyaneshwar Balghare ...Petitioner

V/s.

Special Recovery Officer, ...Respondents
Vishal Junnar Sahakari Patpedhi Ltd.
& Ors.

Mr. Namit Kumar Pansare for Petitioner.

Mr. S.D. Dumbre for Respondent Nos. 1 and 2.

Mr. S.D. Rayrikar, AGP for Respondents 4 to 6-
State.

CORAM: MADHAV J. JAMDAR, J.
DATE: 5th December 2023

P.C.:

1. Heard Mr. Pansare, learned Counsel appearing for the Petitioner, Mr. Dumbre, learned Counsel appearing for Respondent Nos.1 and 2 and Mr. Rayrikar, learned AGP for Respondent Nos. 4 to 6- State.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the Petitioner, the borrower, is challenging the legality and validity of the order dated 10th February 2023 passed by the Collector, Pune in Co-Op. S.R./165/2022.

3. By the impugned order passed under Section 156 of the Maharashtra State Co-operative Societies Act, 1960 read with Rule 107 of Maharashtra Co-operative Societies Rules, 1961, the Collector has authorised Tahsildar to take possession of the property mortgaged by the Petitioner with the Respondent No.2.

4. It is the contention of Mr. Pansare, learned Counsel appearing for the Petitioner that the properties more particularly property No. 6, mentioned in the impugned order is not mortgaged. The said property No.6 is Gat No.2/2-A admeasuring 23 R alongwith the construction.

5. Mr. Dumbre, learned counsel appearing for the Respondent Nos. 1 and 2 submits that the said property is also mortgaged. He submits that the mortgaged properties are specifically mentioned in the mortgage deed, which has been annexed from pages 24 to 28 of the Writ Petition. He points out Schedule-I of the deed of mortgage wherein the description of the property is mentioned. Property No.1 is Gat No. 2/2 admeasuring 3H, 52R plus pot kharab 0 H, 30R. He submits that the property described at serial No. 6 in the impugned order is part of the said pot kharab and the same has been subsequently converted into N.A.

6. It is an admitted position that the recovery certificate has been issued and as per the contention of learned Counsel appearing for the Respondent Nos. 1 and 2, total recoverable dues are about 60.00 Lakhs.

7. In view of above, no interference in the impugned order is warranted under Article 227 of the Constitution of India.

8. The Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)