



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2019 OF 2024

Jayshree Balaji Nagari Sahakari Path Sanstha Maryadit
Dhule Through Its Chairman

....Petitioner

VERSUS

The District Collector
And Another

....Respondents

....

Mr. N. D. Sonavane, Advocate for the Petitioner

Mr. S. V. Hange, AGP for Respondents - State

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : FEBRUARY 21, 2024

PER COURT :

1. The Petitioner is a financial institution. Respondent No. 1 purportedly owes Rs. 23,07,988/- towards the loan amount as on 30.11.2023 with future interest. The Petitioner has put-forth prayer clause 'B' as under:

B) Issue writ of mandamus or writ in the nature of direction to the respondent no. 1 to pay the loan amount of Rs. 23,07,988/- to the petitioner as on 30.11.2023 with future interest from the amount of compensation for the acquisition of land from gut no. 224/6/A of village Sakri, owned by borrower i.e. respondent no. 2 for National Highway as the charge is created

in the revenue record of the petitioner Path Sanstha in view of recovery certificate issued u/sec. 101 of Maharashtra Cooperative Societies Act, 1960 and in view of application dt. 8.12.2023.

2. We are informed that the Petitioner has already moved an application dated 08.12.2023 before the District Collector, Dhule for transmitting the outstanding loan amount to the Petitioner institution. It is prayed that the said application be decided.

3. In view of the above, **this Petition is disposed off** with the direction to the District Collector, Dhule to respond to the application filed by the Petitioner. If required, notice be issued to the borrower as well as to guarantor and all the stakeholders be heard. The final decision be arrived at within the period of 90 days from today.

(R. M. JOSHI, J)

(RAVINDRA V. GHUGE, J)

Malani