

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

WRIT PETITION NO.807 OF 2024

Satara Zillha Sahakari Patsanstha]
Federation Ltd., Satara] .. Petitioner

Vs.

1. District Collector, Satara]
2. Commissioner @ Registrar,]
Co-operative Society, Maharashtra]
3. Divisional Commissioner,]
Land Revenue Division, Pune]
4. Minister for Co-operation,]
Co-operative Department]
5. The State of Maharashtra] .. Respondents

Mr. Ajit J. Kenjale, with Adv. Sai Rajendra Kadam, for the Petitioner.
Mr. Ravi Kadam, AGP for the Respondent-State.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 22ND JANUARY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith. The learned AGP waives notice for the respondent-State.
2. The petitioner is an Apex Body of Co-operative Credit Societies that had been registered under the provisions of the Maharashtra Co-operative

Societies Act, 1960. In the matter of undertaking recovery of dues of Co-operative Credit Societies, the Co-operative Department has issued a circular dated 31st October 2018 indicating the steps to be undertaken under Section 156 of the Act of 1960, read with Rule 107 of the Maharashtra Co-operative Societies Rules, 1961.

3. The grievance of the petitioner is that the Collector while seeking to enforce the circular dated 31st October 2018 has issued further directions on 12th December 2023 that are not in consonance with the Act of 1960 as well as Rules of 1961. Under this communication dated 12th December 2023, the Talathi and Circle Officer have been directed to ensure that unless sale of the mortgaged property is undertaken, no revenue entries should be taken against such property. It is urged that these directions are contrary to the Act of 1960 and the Rules of 1961. In that regard, the petitioner has made a representation dated 26th December 2023 to the Collector and has sought recalling of the directions issued on 12th December 2023.

4. In aforesaid facts, we find that since the impugned communication dated 12th December 2023 has been issued by the Collector and request to reconsider the same and recall those directions has been made by the petitioner on 26th December 2023, the interest of justice would be served by directing the Collector to consider the said representation in

accordance with law and decide the same after hearing the representative of the petitioner. The necessary decision on the same be taken within a period of fifteen days of receiving copy of this order. The Collector shall take into consideration the provisions of the Act of 1960 and the Rules of 1961 while deciding the representation. In case the petitioner is not satisfied with the adjudication of it's representation, it is free to take appropriate legal recourse in accordance with law.

5. In the meanwhile, the circular dated 31st October 2018 shall continue to operate including clause (e) thereof.

6. Keeping all points on merits raised in the writ petition open, it is disposed of with aforesaid directions. Rule is accordingly disposed of with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]