



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4529 OF 2022

Sau. Shobha Manoj Gaikwad & Anr.

..Petitioners

Vs.

State of Maharashtra,

Through its Principal Secretary & Ors.

..Respondents

Mr. Sujeet Bugade for the Petitioners.

Mr. B. V. Samant, Addl. G. P. a/w Ms. Kavita N. Solunke, AGP for the Respondent (State).

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

DATE : 1st FEBRUARY 2024

PC.:

1. The Petitioners seek a direction to be issued for enquiring into the alleged mortgaged house loan transactions stated to be related to the Respondent No.5. It is seen that the Petitioner No.2 has filed a criminal case in the Court of the learned Metropolitan Magistrate on the same set of facts. Both the Petitioners have also filed another criminal case together in the same Court. It is however found that the Petitioners have not yet approached the Respondent Nos.3 and 4 with regard to their grievances sought to be raised against the Respondent No.5.

2. On 19th December 2023, the following orders was passed :-

“This Petition is filed on 12 March 2022 and has remained pending. Bare perusal of the Petition would show that various disputed questions of facts would arise. A request is made on behalf of the learned counsel for the Petitioners for adjournment.

2. Stand over to 5 March 2024.

3. It is clarified that there is no ad-interim order operating in this Petition nor there is any restraint order against the Bank.”

3. Today after hearing the learned counsel for the Petitioners, we find that it would be appropriate for the Petitioners to first approach the Respondent Nos.3 and 4 for raising a grievance with regard to alleged illegalities in the activities of Respondent No.5. The same not having being done, the Petitioners are at liberty to approach the Respondent Nos.3 and 4 and make a grievance in that regard. If such grievance is made to Respondent Nos.3 and 4, the same shall be considered expeditiously. In case the Petitioners succeed in the criminal proceedings filed before the learned Metropolitan Magistrate, they are free to revive prayer clause (c) in the writ petition.

4. With aforesaid observations and keeping all points open, the Writ Petition is disposed of.

(JITENDRA JAIN, J.)

(A. S. CHANDURKAR, J.)