

Shabnoor

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

WRIT PETITION NO.705 OF 2024

Sahyadri Nagari Co-operative Credit
Society Ltd. Through Its SRO ... Petitioner

V/s.

Gram Panchayat Gorhe Budruk
Through Its Gramsevak & Ors ... Respondents

Mr. Niranjan Mogre, for Petitioner.

Mr. P. G. Sawant, AGP for State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 28, 2024

PC.:

1. The Special Recovery Officer of petitioner society applied to the Gram Panchayat for recording the charge in relation to property owned by the borrower. The Gram Panchayat by the impugned order has rejected the application.

2. However, on perusal of the impugned order, it appears that the Gram Panchayat has passed the order which has no authority to pass such order. It is not in dispute that, the Special Recovery Officer exercises power conferred by the Registrar under Section 156 of the Maharashtra Cooperative Societies Act, 1960. He is, therefore, entitled to apply for recording encumbrances of the

attachment or sale of the property under Rule 107 of the Maharashtra Cooperative Societies Rules, 1961. Hence, proper remedy is to apply to Circle Officer or Tahasildar having power under Section 149 of the Land Revenue Code, 1966.

3. With this clarification, the writ petition stands disposed of.

(AMIT BORKAR, J.)