

VRJ

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

WRIT PETITION NO.13901 OF 2018

VAIBHAV
RAMESH
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Date: 2024.01.23
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Sanjay Tukaram Phulpagar

... Petitioner

V/s.

District Collector Alias District

Magistrate At Pune & Anr.

... Respondents

Mr. Rakesh Bhatkar for the petitioner.

Mr. Sanjay D. Rayrikar, AGP for the State/respondent
No.1.

Mr. Abhijeet Anturkar for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 23, 2024

P.C.:

1. The petitioner (borrower) is challenging order passed by the competent officer empowered to take action under Clause (d-1) of Sub-rule (11) of Rule 107 of the Maharashtra Cooperative Societies Act, 1960.

2. Unless the creditor-society attaches the property under Sub-rule (11) of Rule 107 of the Maharashtra Cooperative societies Act, 1960, action under Clause (d-1) of Sub-rule (11) of Rule 107 of the Maharashtra Cooperative Societies Act, 1960 cannot be taken.

3. Hence, the impugned order dated 8th October 2018 is set aside. However, respondent No.2-society will be at liberty to

proceed to execute 101 certificate in accordance with law.

4. The writ petition stands disposed of in above terms. No costs.
5. All contentions of the parties are kept open.

(AMIT BORKAR, J.)