

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

WRIT PETITION NO.9900 OF 2024

Ganesh Pandurang Barke and Anr. .. Petitioners
Vs.
State of Maharashtra,
Through Cooperation & Marketing Dept. and Ors. .. Respondents

Mr. Prathamesh Bhargude with Mr. Sumit Sonare, Advocates for the Petitioners.

Mr. N.C. Walimbe, Additional Government Pleader, with Ms. Kavita N. Solunke, Assistant Government Pleader, for Respondent Nos.1 and 4 to 7.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 16TH JULY, 2024.

PC. :

1. It is submitted by the learned counsel for the petitioners that having satisfied the loan that was availed from the respondent no.2-Society, No Dues Certificate was issued on 12th January 2015. Despite aforesaid, steps are being taken by respondent nos.1 and 2 to recover certain amounts from the petitioners. The Additional Collector on 2nd May 2024 issued a communication to the respondent no.1 stating therein that in the light of the No Dues Certificate, the subsequent order of attachment passed on 21st August 2023 be recalled. It is submitted that the respondent no.1 has not taken any action whatsoever and instead has issued an Auction Notice on 13th June 2024.

2. Issue notice to the respondents, returnable on 13th August 2024. Learned Additional Government Pleader waives notice for respondent nos.1 and 4 to 7. Respondent nos.2 and 3 be served by all permissible modes.

3. It is directed that though the auction may proceed, the bids received shall not be opened till the returnable date. The possession of the petitioners shall also not be disturbed till the returnable date.

4. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]