

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13152 OF 2024**

Vikram Namdeo Deshmukh	...Petitioner
Versus	
Ld. Divisional Joint Registrar, Co-operative Societies, Kolhapur and ors.	... Respondents

Mr. Manoj A. Patil a/w. Mr. Akash Murudkar and Ms. Kalyani Mangave,
Advocates for the Petitioner.
Smt. P. M. J. Deshpande, AGP for Respondent Nos. 1 and 2 – State.

**CORAM : R. M. JOSHI, J.
DATED : 27th SEPTEMBER, 2024.**

P.C. :

1. Heard.
2. Learned counsel for the petitioner submits that though respondent Nos. 3 to 6 are made as a party to this petition, practically at this stage they are not required to be heard hence notice be dispensed with against them. It is his submission that the order impugned before this Court passed by District Deputy Registrar is his refusal to entertain the proceedings filed before him by the Petitioner, as per communication dated 29.07.2024, respondent Nos. 3 to 6 were not heard and as such, no prejudice is likely to cause to these respondent, if this petition is heard and decided in their absence.
4. The impugned i.e. communication dated 29.07.2024 indicates

that the application moved by the petitioner before District Deputy Registrar, Cooperative Societies, Satara, was not entertained and the petitioner was advised to prefer appropriate proceedings before the competent Authority. In the light of this fact, the respondent Nos. 3 to 6 are not likely to be affected adversely by any order passed in to this Petition. Hence, notice to these respondents stand dispensed with.

5. Heard learned counsel for the petitioner and learned AGP for respondent Nos. 1 and 2.

6. By referring to the provisions/ cooperative societies Act and in particular Rule 107(13) and (14), it is his submission that any objection to the auction sale, sale certificate and confirmation thereof would be before District Deputy Registrar only. He has also referred to the order dated 17.01.2024 passed by Divisional Joint Registrar wherein the revision filed before him was made over to the District Deputy Registrar for its decision on merit. He placed reliance on the Judgment of this Court in the case of *Hanumant Pandurang Deshmukh Vs. Vithal Maruti Bhosale and Ors.*¹ to support his submissions.

7. Learned AGP though did not support the petition, however was fair enough to point out correct position of law that objection if any to auction, sale certificate, etc. under Rule 107(14) would be before District Deputy Registrar.

¹ 2021(2) Mh.L.J.

8. Having regard to the provisions of Rule 107(13)(14) any objection, if any in respect of the auction, certificate of sale and confirmation thereof will have to be raised before the District Deputy Registrar. This Court finds no reason not to follow judgment in case of ***Hanumant Pandurang Deshmukh*** (supra). The District Deputy Registrar thus in issuing impugned communication has committed error. Hence petition stands allowed in terms of prayer clause (a). This authority to decide the application in accordance with law.

(R. M. JOSHI, J.)

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