



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1449 OF 2025

Vasant Muralidhar Tambe

Age : 70 years, Occu : Business,
R/o – B-9/101, Vasant Ashok CHS Ltd.,
Pokaran Road-2, Vasant Vihar,
Thane (M.S.) 400 610

.. Petitioner

Versus

The State of Maharashtra
Throuhg Sub Divisional Officer,
A Competent Authority Under Maharashtra
Protection of Interest of Depositors Act, 1999, (MPID)
At : Chhatrapati Sambhajinagar
(Aurangabad) - 431 001 M.S. and another

.. Respondents

AND

WRIT PETITION NO. 1456 OF 2025

Balaji Gangadhar Salunke,
Age : 49 years, Occu : Business,
R/o. House No. C-5, Himanshu Construction,
Om Sai Nagar, Gat No. 85, Deolai,
Tq. & Dist. Chhatrapati Sambhajinagar

.. Petitioner

Versus

The State of Maharashtra
Through its Principal Secretary (Special)
Home Department, Mantralaya,
Mumbai and others

.. Respondents

AND

WRIT PETITION NO. 1475 OF 2025

Sangarshwadi Panther Kamgar Sangatana

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

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Advocate for petitioner : Mr. Amar D. Soman (WP/1449/2025)

Advocate for petitioner : Mr. Ravindra V. Gore (WP/1456/2025)

Advocate for petitioner : Mr. Parag V. Barde (WP/1475/2025)

AGP for the respondent – State : Mr. Amar V. Lavte

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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 30 JANUARY 2025

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocates for the petitioners in the respective petitions. We have also heard the learned AGP.

2. Since a common issue is being raised in all these petitions, we have heard the matters simultaneously.

3. By invoking the powers of this Court under Article 226 of the Constitution, the petitioners are challenging the selfsame communication dated 06-01-2025, whereby the respondent – Sub Divisional Officer, as a Competent Authority under the Maharashtra Protection of Interest of Depositors Act, 1999, (**MPID Act**), pursuant to the order in Special Case (MPID) No. 4 of 2016, pending before the designated Court under that Act, has initiated steps for auctioning the property and realization of the money.

4. The petitioner in writ petition no. 1449 of 2025 claim to be the share-holder of one M/s. Dhanada Corporation Ltd., stated to have taken over the hotel business being run in the property which stands attached by the order of the designated Court.

5. The petitioner from writ petition no. 1456 of 2025, claims to be the owner of the saloon business being conducted in a portion of the property, on a leave and license basis.

6. The petitioner from writ petition no. 1475 of 2025, is the labour union of the employees of the hotel being run in the property under the attachment.

7. Learned advocates of the petitioners strenuously addressed us primarily on the emotional side rather than on the merits. We raised a specific query, as to how the writ petitions are maintainable in the light of the admitted facts that the property in question has been attached by the designated Court by a specific order passed way back in the year 2018 under the provisions of the MPID Act which is a special statute which confers upon the designated Court the powers to undertake *inter alia* the steps for realization of the assets. They could not answer.

8. In our considered view, taking into account the scheme of the MPID Act, since the impugned action is in consequence and pursuant to the order passed by the designated Court, the power under Article 226 of the Constitution of India, cannot be exercised.

9. The petitions are dismissed.

10. Needless to state that the petitioners may, if they so intend, resort to appropriate remedy, as is available in law. It is clarified that this order shall not be treated as an impediment in that regard.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/