IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 WRIT PETITION NO. 10031 OF 2025

Latur Urban Co-operative Bank Ltd.
Latur Branch through Authorized Officer
Sujit Bhagwan Patil.
VERSUS
The State Of Maharashtra And Others
...
Advocate for Petitioner : Mr. K.P. Rodge
AGP for Respondents : Mr. S.B. Pulkundwar
...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

Dated : December 15, 2025

FINAL ORDER :-

1. Present petition has been filed for following relief :-

> "**C.** By issuing of writ of mandamus or any other appropriate writ, order or directions, respondent no.3-Tahsildar may kindly be directed to implement the order dated 30.08.2022 passed by Respondent No.2-Collector, within a period of one month and handover the possession to the petitioner-Bank of the property as per the description given in the said order."

2. Heard learned advocate for the Petitioner-Bank. Learned A.G.P. waives notice for respondent nos.1 to 3.

3. The petitioner is a Co-operative bank. Respondent no.4 availed the loan facility from the Bank to the tune of Rs.4,00,000/- (Rs. Four Lakh) on 5.9.2012.

4. Respondent no.4 had executed mortgage deed in favour of the Petitioner/Bank in respect of the property situated at Peth, Tq. and District Latur, which was plot no.16 in gat no.13, admeasuring 1600 square feet. The respondent no.4 failed to repay the loan amount. Notice was issued and then the Bank had approached the office of Assistant Registrar, Co-operative Societies, Latur under the provisions of section 101 of the Maharashtra Co-operative Societies Act, 1961 (for short said Act). Accordingly, the Certificate came to be issued under section 101 of the said Act on 19.5.2017. When, the respondent no.4 failed to pay those dues, application was filed by the petitioner before respondent no.2-Collector/District Magistrate under section 156 r/w Rule 107 read with sub-rule 11 (d)(1) of the said Act. Respondent no.2 by order dated 30.8.2022 allowed the same and directed respondent no.3 Tahsildar/Taluka Executive Magistrate to secure and hand over the possession of the mortgaged property to the petitioner-Bank immediately. Respondent no.3 by letter dated 27.12.2022

asked the Petitioner Bank to remain present on 31.1.2023 at 3.00 p.m. for taking possession of the mortgaged property. Though, recovery officer of the petitioner-Bank went there on that date, neither respondent no.3 handed over possession of the property nor anyone on behalf of the respondent no.3 was present. Amount has remained unpaid till today. The petitioner had made a representation to respondent no.3-Tahsildar on 28.4.2023 and again on 13.9.2024. Yet, there is no response. Hence, this petition.

5. First and foremost fact that is required to be noted here is that, the Authority, who passes the order has responsibility also to see that its orders are implemented. Respondent no.2 Collector/District Magistrate, Latur is bound to get his own order implemented and when copy of the representation dated 28.4.2023 and on 13.9.2024 addressed to respondent no.2, then, there ought to have been correspondence from the respondent no.2. Unnecessarily, Banks are required to approach this Court when similar situation arose in respect of the orders passed by the Collector/District Magistrate, Latur under the Securitisation and Reconstruction of Financial Assets and Enforcement of

Security Interest (SARFAESI) Act, 2002. This Court in case of **Motilal Ostwal Home Finance Ltd. Vs. State of Maharashtra** in Writ Petition No.2625 of 2025 has given directions and, in fact, those directions are applicable for the orders passed under the Co-operative Societies Act when the Collector/District Magistrate passes an order under section 156 r/w Rule 107 of the said Act. Here, we may not go much into further aspects about the Collector's/District Magistrate’s authority under section 156 r/w Rule 107 of the said Act read with Rule 11-(d)(1).

6. Here, we would also highlight the action or inaction on the part of the petitioner when it was found by the petitioner that respondent no.3 is not doing anything instead of approaching the respondent no.2 by way of complaint, the Bank has only given copy of the representation to the Tahsildar to Collector/District Magistrate and then, directly approached this Court. We deprecate such practice.

7. Now, we direct the Petitioner to approach the Collector/District Magistrate, Latur within a period of one (1) week and place all those matters in which action has not been taken by the Tahsildar inspite of the orders passed by the

Collector/District Magistrate, Latur. When, such representation is made, the Respondent No.2-Collector/District Magistrate, Latur should give further directions and see that his/her orders are implemented and if necessary, take action on the administrative side against the erring officers. It should be seen by the respondent no.2 that those orders are implemented by the concerned Authority within a reasonable time.

(HITEN S. VENEGAVKAR, J.) **(SMT. VIBHA KANKANWADI, J.)**

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AAA/-