



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.14333 OF 2025

The Jalgaon District Central Co-op. Bank Ltd.,
Through its Manager,
Atul S/o Rameshchandra Tondapurkar,
Age-58 years, Occu:Service,
R/o-27, Ring Road, Jalgaon-425 002.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Cooperation, Marketing and
Textile Department,
Mantralaya, Mumbai,
- 2) The Commissioner of Sugar,
Pune,
- 3) Regional Joint Registrar,
Co-operative Societies,
Chhatrapati Sambhajinagar,
- 4) The District Deputy Registrar,
Jeevanramnagar, Jalgaon,
Taluka and District-Jalgaon.

...RESPONDENTS

...
Mr. M.V. Salunke Advocate h/f. Salunke Legal LLP Advocates
and Consultants.

Mr. A.M. Phule, A.G.P. for Resp. Nos. 1 to 4.

...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 18th DECEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

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

"A. By issuing a writ of Mandamus or any other appropriate writ, order or directions, the District Deputy Registrar in the capacity controlling and supervisory for Madhukar Co-operative Sugar Factory, Jeevanramnagar, Nhavi Marg, Faizpur, Ta.Yaval, Dist-Jalgaon may kindly be directed to take charge of the remaining property of secured assets of the Sugar Factory, more particularly 30.81 hectares of land situated in Nhavi Marg, Faizpur, Tq-Yaval, Dist-Jalgaon expeditiously within 15 days from the orders of this Hon'ble Court."

2. Heard learned Advocate for the petitioner. Learned AGP waives notice for all the respondents.

3. The petitioner is a District Central Co-operative Bank engaged in the business of banking and financial services. One Madhukar Co-operative Sugar Factory had availed financial assistance from the petitioner Bank in the form of credit facilities. Mortgage deed was executed by the sugar factory in favour of the petitioner bank, which included plant and machinery and land to the extent of 58 hectares of agricultural/industrial land. Name of the present petitioner came

to be recorded in the revenue record in view of the mortgage deed and the charge that was kept. Due to the irregularities in repayment of the loan, the petitioner approached the appropriate authorities. In exercise of the powers under Section 102 of the Maharashtra Co-operative Societies Act, respondent No.3 – Regional Joint Registrar passed an order dated 11th October 2023 directing the winding up of the sugar factory. Respondent NO.4 – the District Deputy Registrar, Jalgaon was appointed as liquidator. As the accounts of the sugar factory was classified as non performing asset the the outstanding dues payable to the petitioner escalated to Rs.17,02,00,000/-, the petitioner bank took up the proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act. After the orders were passed, public auction was conducted on 20th September 2022, in which one India Bio and Agro Pacific Private Limited emerged as the successful bidder. A sale certificate was issued in favour of the said company and the amount which was outstanding towards the petitioner was recovered only from the sell of the portion of the mortgaged property to the extent of 27.19 hectares. The remaining portion of the land to the extent of 30.81 hectares is still with the petitioner and therefore, the petitioner had

requested the respondents to take back the custody of the said land and undertake the procedure according to law. However, that has not been undertaken. Even the appointment of the liquidator came to be challenged before the Hon'ble the Minister. When previously Writ Petition No.7687 of 2025 was filed by the petitioner, the statement was made by the learned AGP that there is stay to the appointment of the liquidator and therefore, the said Petition was got withdrawn by the petitioner. The petitioner has made several representations i.e. dated 29th April, 2024, 28th August 2024, 10th May 2024, 10th July 2024 to the liquidator. However, as the appointment itself is stayed, there is hurdle. The liquidator was in fact District Deputy Registrar i.e. respondent No.4. In fact in his official capacity he can take decision and for that purpose further representations were also made on 12th November 2024, 7th December 2024, 20th December 2024 to respondent No.4, yet the decision has not been taken. Now, the Tahsildar has sent an order dated 23rd April 2025, stating that there is illegal excavation of sand and as the royalty has not been paid, penalty has also been imposed. Separate procedures are being taken in respect of the said order.

4. Learned AGP prayed for time to take instructions from the

respondents.

5. Here, the record demonstrates that several times the representations have been made. Respondent No.4 cannot shut his eyes and keep quiet for months together without responding. This is rather a case where the creditor states that his outstanding amount has been mitigated and now he is having extra property which he wants to return. Ultimately that should go back to the person who is the owner. For that purpose respondent No.4 should not take time to decide the same and therefore, we dispose of the Writ Petition by directing respondent No.4 to decide the above said representations of the petitioner within a period of FIFTEEN DAYS from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/DEC25