



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12284 OF 2022

AHMEDNAGAR SHAHAR SAHAKARI BANK MARYADIT AHMEDNAGAR
THROUGH ITS SENIOR OFFICER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for Petitioner : Mr. Niteen V. Gaware (through V.C.) and
Mr. Sanjay N. Gaikwad, Mr. S. P. Salgar
AGP for Respondent/State : Mr. B. B. Bhise
Advocate for Respondent No.3 : Mr. R. N. Dhorde, Senior Advocate
instructed by Mr. Pravin S. Dighe, Advocate
Advocate for Respondent No.9 : Mr. Mahesh R. Sonawane
Advocate for Respondent No.10 : Mr. V. D. Hon, Senior Advocate
along with Mr. Shubham S. Kote, Advocate instructed by
Mr. Ashwin V. Hon
Advocate for Respondent No.11A : Mr. Abhay D. Ostwal i/b.
Mr. Kartavya Ostwal

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**WITH
WRIT PETITION NO. 10949 OF 2022**

AHMEDNAGAR SHAHAR SAHAKARI BANK MARYADIT THROUGH ITS
SENIOR OFFICER
VERSUS
SAIKRUPA MEDICAL EDUCATION THROUGH ITS PARTNER AND
OTHERS

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Advocate for Petitioner : Mr. Niteen V. Gaware (through V.C.) and
Mr. Sanjay N. Gaikwad, Mr. S. P. Salgar
AGP for Respondent/State : Mr. B. B. Bhise
Advocate for Respondents No.1 and 2 : Mr. R. R. Karpe
Advocate for Respondent No.9 : Mr. Mahesh R. Sonawane
Advocate for Respondent No.15 : Mr. R. N. Dhorde, Senior
Advocate instructed by Mr. Pravin S. Dighe, Advocate

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**WITH
WRIT PETITION NO. 10946 OF 2022**

AHMEDNAGAR SHAHAR SAHAKARI BANK MARYADIT THROUGH ITS
SENIOR OFFICER
VERSUS

SAIKRUPA MEDICAL FOUNDATION THROUGH ITS PARTNER AND
OTHERS

Advocate for Petitioner : Mr. Niteen V. Gaware (through V.C.) and
Mr. Sanjay N. Gaikwad, Mr. S. P. Salgar

AGP for Respondent/State : Mr. B. B. Bhise

Advocate for Respondents No.1 and 2 : Mr. R. R. Karpe

Advocate for Respondent No.9 : Mr. Mahesh R. Sonawane

Advocate for Respondent No.15 : Mr. R. N. Dhorde, Senior

Advocate instructed by Mr. Pravin S. Dighe, Advocate

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WITH

**CIVIL APPLICATION NO.8606 OF 2025
IN WRIT PETITION NO. 10946 OF 2022**

ASIR CHANNUBHAI SHAIKH

VERSUS

AHMEDNAGAR SHAHAR SAHAKARI BANK MARYADIT THROUGH ITS
SENIOR OFFICER AND OTHERS

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Advocate for Applicant : Ms. Pradnya Talekar for and on behalf of
Talekar and Associates

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CORAM : ROHIT W. JOSHI, J.

DATE : 11-08-2025

PER COURT:-

WRIT PETITION NO. 10949/2022 &

WRIT PETITION NO. 10946/2022 :

1. Writ Petition No.10949/2022 and Writ Petition No.10946/2022 arise out of orders dated 23.09.2022 passed by the learned Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Aurangabad in A.O. No.19/2022 and A.O. No.20/2022 respectively arising out of the orders dated 12.08.2022 passed by the learned Judge, Co-operative Court, Ahmednagar, on Application Exhibit-5 in Dispute No.197/2017 and Dispute No.198/2017 respectively.

2. Learned counsel for the petitioner tenders across the bar a Report and two maps pertaining to the suit property i.e. G.L.R. Survey No.40 with Bungalow No.13 at Ahmednagar Cantonment Area. The report and the two maps appended therewith are taken on record and marked as Annexure 'A' collectively. There are two portions of land delineated in yellow and pink colour respectively, in the map.

3. Learned counsel for the petitioners, on instructions from the petitioner, Bhausahab Murlidhar Vidhate, Senior Officer, Ahmednagar Shahar Sahkari Bank Maryadit, contends that the mortgage deed dated 19.09.2017 pertaining to undivided 380 Square Meters of land falls within pink colour portion in the said map and that petitioners have no concern with the portion of the land shown in yellow colour in the map.

4. Mr. Dhorde, learned Senior Counsel appearing for respondent No.15/society on instructions from the learned instructing Counsel in the presence of the Recovery Officer of Respondent No. 15 - Samata Nagari Sahakari Patsanstha Maryadit, Kopargaon makes a statement that the pink colour portion is already released by respondent No.15 in favour of the petitioner/bank and that the property which was sold in public auction is the portion of land earmarked in yellow colour in the map appended with the report dated 05.08.2025 produced on record by the petitioners.

5. In view of the fact that the dispute pertaining to identification of the property is *prima facie* resolved, the petitions are disposed of.

6. The impugned order dated 12.08.2022 passed by the learned Judge, Co-operative Court on application Exhibit-5 in Dispute No.197 of 2017 and Dispute No.198 of 2017 and the judgment and order dated 23.09.2022 passed by the learned Member, Maharashtra Co-operative Appellate Court, Mumbai, Bench at Aurangabad in A.O.No.19 of 2022 and A.O. No.20 of 2022, are modified as under;

- (i) Respondent No.15 and opponent No.2 to 4 (borrowers) are restrained from dealing with and creating third party interest over part of the suit property which is delineated in pink colour in the site map appended to the report of Architect Shri. Abasaheb B. Kardile filed by the petitioners today, which is marked as Annexure 'A'.
- (ii) Application at Exhibit-5 in Dispute No.197 of 2017 and Dispute No.198 of 2017 stand rejected to the extent of portion of land delineated in yellow colour.
- (iii) The impugned orders are confirmed with modification as above.

CIVIL APPLICATION NO.8606 OF 2025
IN WRIT PETITION NO.10946 OF 2022 :

7. Ms. Talekar, learned counsel tenders across the bar civil application for intervention.

8. It is stated in the application that applicant/intervenor Mr.Asir Channubhai Shaikh has purchased land admeasuring 4987 Square Meters in the suit property vide two separate sale deeds dated 01.02.2011 (4275 Sq.Meters) and 30.05.2013 (712.50 Sq.Meters).

9. The dispute in the present petition arises out of the order passed by the learned Co-operative Court under Section 91 of the Maharashtra Co-operative Societies Act, 1960. The intervenor does not fall in category of persons whose claim can be adjudicated in dispute under Section 91 of the Maharashtra Co-operative Societies Act, 1960. The so-called rights of the intervenor cannot be dealt with in the present petition.

10. In view of the above, the application for intervention is rejected. It is open for the intervenor to take resort to appropriate remedy as is available in law.

11. Needless to state that the alleged rights of the intervenor have not been adjudicated in the present petition.

WRIT PETITION NO. 12284/2022 :

12. This Writ Petition is filed challenging the order dated 16.09.2022 passed by the District Deputy Registrar, Co-operative Societies, Ahmednagar in Application filed by Respondent-Patsanstha dated 20/23.08.2022 for confirmation of auction sale conducted on 31.10.2019.

13. In view of the above, prima facie, the petitioner - Bank has no concern with the portion of the suit property which is marked in yellow colour, which is sold in auction by Respondent - Patsanstha and as such, the Writ Petition is dismissed.

**[ROHIT W. JOSHI]
JUDGE**

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