

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3049 OF 2025

Kashinath Vitoba Nale

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.G.S.Jadhav i/by Mr.Dipak Shinde for Petitioner.

Mr.J.PPatil, AGP, for Respondents-State.

CORAM : AMIT BORKAR, J.

DATE : 5th March 2025

PC :

1. The challenge in this petition is to an order passed by the Sub Divisional Officer in exercise of power u/s.107(11)(D-1) (VI) of Maharashtra Co-operative Societies Rules, which empowers the District Magistrate on an application filed by Special Recovery Officer to deliver possession.

2. This Court in case of *Amit Jori vs. State of Maharashtra & others* in (Writ Petition No.1331 of 2025), dated 5th February 2025 has held that the nature of power exercised by the District Magistrate is executory in nature and he has no discretion to exercise on an application filed by the Special Recovery Officer to deliver possession. Therefore, in absence of any adjudicatory power vested in the District Magistrate, he cannot exercise his discretion. Accordingly petition is dismissed.

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(AMIT BORKAR, J.)

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