

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 5550 OF 2024

Harish Balkrishna Patil & Anr.

..Petitioners

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Dhananjay S. Mahamuni for Petitioners.

Ms. Savita A. Prabhune, AGP for State/ Respondent Nos.1 to 3.

Mr. Harish R. Pawar a/w. Shivam S Gawade and Rudra J. Kanekar
for Respondent No.4.

CORAM : AMIT BORKAR, J.

DATE : 26 NOVEMBER 2025

PC :

1. The dispute in this petition arises from recovery proceedings initiated by the housing society under Section 101 of the Maharashtra Cooperative Societies Act. The person against whom the certificate is sought is in occupation of the premises of the society. The society asserts that statutory dues remain unpaid for a considerable period. The nature of proceedings under Section 101 is summary. The authority is required to verify the claim placed before it and satisfy itself that the dues are ascertained and legally recoverable. Once the statutory requirements are met, the certificate issued carries the force of a decree and the occupant is bound to comply with it.

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2. The petitioners place reliance on a single contention. They submit that for the period 1997 to 2001 the society had earlier initiated proceedings under Section 101. Those proceedings culminated into a certificate. They contend that the period covered by the present certificate overlaps with the period forming subject matter of the earlier certificate. According to them such overlap renders the fresh certificate unsustainable. The argument rests on the premise that the society has sought recovery twice for the same period.

3. I have examined the order passed by the Revisional Authority as well as the material placed on record in both rounds of litigation. The revision application contains a clear recital in paragraph 4 on page 50 that the present proceedings relate to unpaid dues for the period from 31 January 2001 to 31 December 2016. The earlier certificate dated 14 March 2002 reflects a period prior to 31 January 2001. The two periods do not coincide. The apprehension of double recovery is unfounded. The record leaves no ambiguity on this point. The authority below has correctly appreciated this distinction.

4. The Revisional Authority has also considered the factual controversy regarding deposits claimed to have been made by the petitioners. It has recorded a clear finding that the society has appropriated such deposits from time to time. The authority has examined the entries and has concluded that no excess amount

remains to the credit of the petitioners. These findings on facts rest on the material produced before the authority. They call for no interference under writ jurisdiction. A writ court does not reassess evidence unless any manifest perversity is demonstrated. No such perversity is shown.

5. In view of the clear position emerging from the record, the petition raises no ground that warrants interference. The statutory authority has acted within jurisdiction. The findings are reasoned. The challenge is meritless. The petition is dismissed.

(AMIT BORKAR, J.)