

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.11464 OF 2024**

Narayan Laxman Jadhav .. Petitioner  
Versus  
The State of Maharashtra and ors .. Respondents  
...

Mr.Narayan Rokade a/w Mr. Hrushikesh Korhale, Mr. Abhang Suryawanshi, Harichandra Jadhav, Udaysingh Deshmukh, Mr. Siddarth Ghodke, Vikrant Kadam for Petitioner.  
Mr. O.A. Chandurkar, Addl, GP with Mrs. Kavita N. Solunke, AGP for Respondent Nos.1 to 4.

**CORAM : ALOK ARADHE, CJ &**  
**BHARATI DANGRE, J**  
**DATED : 12<sup>th</sup> FEBRUARY, 2025**

**ORDER:- (PER BHARATI DANGRE J)**

1. The Petitioner, an agriculturist, and resident of Dharangaon Khadak, Tal. Niphad, Dist. Nashik, who had approached Dharangaon Khadak Vividh Karyakari Seva Sahakari Sanstha (referred to as V.K.S.S.) and availed loan of Rs.2,86,000 from Dharangaon Khadak, Multipurpose Co-operative Society.
2. It is the contention of the petitioner that the Multipurpose Co-operative Society as well as District Co-operative Bank are expected to provide loan by charging interest at minimum levels and at time at subsidised rate, but on the contrary the Co-operative Societies are charging interest @ 12%

to 18% p.a, and a fall out of this is that the borrowers are unable to repay the loan, particularly in the place like Niphad which is susceptible to hail storms, heavy rains, crop diseases, drought etc.

Be it so, since the loan was not repaid, proceedings were initiated against the petitioner under Section 101 of the Maharashtra Cooperative Societies Act, 1960. The petitioner along with several other similarly situated agriculturist in the first round had approached this Court by filing a Writ Petition, seeking benefit of Section 44 A of the Maharashtra Co-operative Societies Act, 1960, and made a request to the Court to take a decision on his representation.

The Division Bench on 21/08/2023, without going into the question whether the petitioners are entitled to the benefit of Section 44A or not, directed their representation to be decided within a period of eight weeks subject to the earlier time bound commitments and pressing public duties. The Writ Petition filed by the petitioner was also disposed off pursuant to the said direction.

3. As a compliance of the aforesaid direction, the Assistant Registrar, Niphad issued notice to the petitioner categorically adopting a stand that his case do not fall within the purview of Section 44A, as the loan availed by the petitioner from Dharangaon Khadak Vividh Karyakari Seva Sahakari Sanstha is more than 1,00,000/-, and his representation came to be rejected on 21/12/2023, by the Assistant Registrar, Co-operative Society,

Niphad i.e. respondent no.4.

4. The learned Additional Government Pleader Mr. Chandurkar, representing the respondents has placed before us an affidavit filed on behalf of respondent nos.3 and 4, and the said affidavit is accompanied with the order dated 21/12/2023, holding that the provisions of Section 44A of the Maharashtra Co-operative Societies Act, do not cover the case of the petitioner as the loan amount obtained by him is more than 1,00,000/-.

Along with the affidavit, an order passed by the Assistant Registrar Co-operative Society on 30/09/2024, in respect of fixation of upset price is also annexed and the said order reveal that Shri. Narayan Jadhav is liable for payment of Rs. 2,86,000/- at the time when the certificate under Section 101 was issued in favour of the Society. Since he was a member of Dharangaon Vividh Karyakari Seva Sahakari Sanstha, on 15/12/2014, a recovery certificate was issued in favour of the Society. In course of the said proceeding, the Recovery Officer attached the land belonging to borrower, situated in mauje Dharangaon Khadak, admeasuring 1.66 out of 0 Hector 57 R and since the property was to be sold by auction, the valuation of the said property as per market rate was computed.

5. The order dated 30/09/2024, further record that for the purpose of fixing the upset price, notices were issued to the borrower/the owner of the land and an acknowledgment depicting that the notice was served was also received by the

Authority. Thereafter the hearing was fixed on various dates and the petitioner Narayan Jahdav appeared before the Authority on 14/02/2023, 1/08/2024, and 30/09/2024, and he pleaded for time to deposit the amount and clearly stated that he has no grievance as regards fixing of the upset price.

As a result of the aforesaid, the order dated 30/09/2024, directed further steps to be taken to conduct auction of the property of the petitioner.

6. The order dated 30/09/2024, is not challenged by the petitioner and the reason is obvious that he did not raise any objection to the fixation of the upset price and despite being aware of the said order being passed, the petitioner has restricted the Writ Petition to direct the respondent no.4 to set aside the order dated 15/07/2024, which is of no consequence pursuant to the order dated 30/09/2024, being passed. Finding no merit and substance in the petition, the same is dismissed.

Needless to state that we grant liberty to the petitioner to avail any other remedy which is applicable to him in law, if he feel aggrieved by the order dated 30/09/2024 passed by the Assistant Registrar Cooperative Society, Niphad Dist. Nashik.

**(BHARATI DANGRE, J.)**

**(CHIEF JUSTICE)**