

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16817 OF 2024
WITH
WRIT PETITION NO. 16809 OF 2024

M/s. Janhavi Developers, through
Its Proprietor, Shri. Ramdas Namdeo
Ghavate & anr.

....Petitioners

: Versus :

1. The District Deputy Registrar of Co-op.
Society (Rural), Pune & Ors.

....Respondents

WITH
WRIT PETITION NO. 16813 OF 2024

1. Mrs. Sonali Ramdev Ghavate & Ors.

....Petitioners

: Versus :

1. The District Deputy Registrar of Co-op.
Society (Rural), Pune & Ors.

....Respondents

WITH
WRIT PETITION NO. 16815 OF 2024

Mr. Anil Vitthal Gaikwad & Ors.

....Petitioners

: Versus :

The District Deputy Registrar of Co-op.
Society (Rural), Pune & Ors.

....Respondents

WITH
WRIT PETITION NO. 16666 OF 2024

1. Mr. Laxman Manikrao Gajare
and Ors.

....Petitioners

: Versus :

The District Deputy Registrar of Co-op.
Society (Rural), Pune & Ors.

....Respondents

Mr. S.S. Panchpor a/w. *Mr. P.A. Borhade, for the Petitioners.*

Mr. Hamid Mulla, *AGP for Respondent No.1 (District Deputy Registrar)/State.*

Ms. Gunjan Shah i/by. *Mr. Prafulla Shah, for Respondent Nos.2 and 3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 30 January 2025.

P.C. :

1) There are multiple reasons why this Court is not inclined to entertain the present petitions. Firstly, the Petitioners have not challenged the Recovery Certificate issued under the provisions of Section 101 of the Maharashtra Co-operative Societies Act, 1960 (**M.C.S. Act**) before the Divisional Joint Registrar by filing Revision under Section 154 of the M.C.S. Act. This is obviously not done with a view to avoid compulsory deposit required under the provisions of sub-section (2A) of Section 154. Instead of questioning the correctness of the Recovery Certificate by making deposit of 50% of the amount u.s. 154(2A), Petitioners have filed the present petitions for the purpose of scuttling the auction sale. Secondly, the auction sale has already been conducted on 31 December 2024 during pendency of the present petitions. Thirdly, the Petitioners have the remedy of getting the auction set aside under the provisions of Rule 107(13) of the M.C.S. Rules. Fourthly, the Petitioners were infact given a notice before fixing the upset price and instead of producing any material to indicate valuation of the property, Petitioners chose to seek time before the District Deputy Registrar. During pendency of the proceedings for fixation of upset price for nine months,

Petitioners did not produce even a single instance of valuation before the District Deputy Registrar. In such circumstances, the attempts made by the Petitioners to scuttle auction of the property cannot be countenanced by entertaining the present petitions. The Writ Petitions are accordingly **dismissed**.

2) After the order is pronounced, Mr. Panchpor, the learned counsel appearing for the Petitioners would submit that remedy of Petitioners to file revisions under the provisions of Section 154 of the Act against the Recovery Certificates be kept open. It is for the Petitioners to exercise such remedy, if available under law at this juncture.

[SANDEEP V. MARNE, J.]