

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

CIVIL WRIT PETITION NO. 17898 OF 2024

Jyotiram Krishna Panhale

..Petitioner

Versus

Shardamai Nagari Sahakari Patsanstha Ltd. &
Anr.

..Respondents

None for Petitioner.

CORAM : AMIT BORKAR, J.

DATE : 01 DECEMBER 2025

PC :

1. The petitioner has filed this writ petition challenging the order passed by the District Magistrate in exercise of powers under Rule 107(D-1)(vi) of the Maharashtra Cooperative Societies Rules, 1961.

2. This Court has already examined the scope of power exercised by the District Magistrate under the said provision in the case of *Amit Jori vs. State of Maharashtra & Ors.*, Writ Petition No. 1331 of 2025. It has been held that the power conferred upon the Magistrate under Rule 107(D-1)(vi) is only executionary in nature. It is not a quasi-judicial determination of rights. The Magistrate acts as an executing authority to give effect to a recovery certificate issued under Section 101 or Section 107 of the

Maharashtra Cooperative Societies Act, 1960. Therefore, the scope of judicial review under Article 226 of the Constitution against such executionary orders is very limited.

3. The settled legal position is that when a statute provides a specific remedy to challenge a recovery proceeding, the writ jurisdiction of this Court should not be invoked at the initial stage.

4. Hence, this Court finds it appropriate to direct the petitioner to avail of the statutory remedy before the Special Recovery Officer. All the questions raised by the petitioner are kept open.

5. Accordingly, the writ petition is disposed of with liberty to the petitioner to approach the competent authority or court.

(AMIT BORKAR, J.)