

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4594 OF 2025

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GANESH  
KULKARNI

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Ivan Almeida

... Petitioner

V/s.

Dattatray Maharaj Kalambe, Jaoli

Sahakari Bank Ltd. & Anr.

... Respondents

Ms. Carina Sharon Xavier with Mr. Rahil Hanfi, Mr. Kamiz Fatima Mukadan and Mr. Raj Arun Ambekar for the petitioner.

Mr. Pradeep Gole for respondent No.1.

Ms. M.S. Srivastava, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 7, 2025

P.C.:

1. Challenge in this writ petition is to an order passed by the District Magistrate in exercise of power under Rule 107(11)(d-1) (vi)(b) of the Maharashtra Cooperative Societies Rules, 1961 which empowers the District Magistrate on an application filed by the Special Recovery Officer to deliver possession of the attached property.

2. This Court in *Amit Prakash Jori & Anr. v. The State of Maharashtra & Ors.* (Writ Petition No.1331 of 2025, decided on 4 February 2025) has held that exercise of such power is mechanical and the District Magistrate has no discretion. Therefore, such

orders need not be interfered with in extraordinary constitutional jurisdiction under Article 226 of the Constitution of India.

3. Hence, keeping all contentions raised by the petitioner in this writ petition open to be agitated before the Civil Court, the writ petition stands disposed of. No costs.

**(AMIT BORKAR, J.)**