

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

WRIT PETITION NO.5652 OF 2025

Sachin Rajaram Jamdade

.. Petitioner

Vs.

State of Maharashtra,

Through the Co-operative Commissioner, Pune & Ors. .. Respondents

Mr. Narendra V. Sharma with Mr. Rachit Khamparia, Advocates for the Petitioner.

Mr. S.H. Kankal, Assistant Government Pleader for Respondent Nos.1 and 3 to 6.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 28TH APRIL 2025.

PC. :

1. One of the contentions urged by the learned counsel for the petitioner by referring to the provisions of Rule 107(11)(vi)(a) of the Maharashtra Co-operative Societies Rules, 1961 is that when possession of any mortgaged property is required to be taken by the Recovery Officer, a request in writing is to be made by the Recovery Officer to the District Magistrate within whose jurisdiction the property is situated. In the present case, it is urged that on 22nd July 2024, the Recovery Officer has made such request to the District Deputy Registrar and not the District Magistrate as required under the aforesaid Rule. Acting on that request, the District Deputy Registrar has directed the Sub-Divisional Officer to take steps for recovery.

2. It is pointed out by the learned counsel for the petitioner that after issuance of the Recovery Certificate on 15th December 2022, wherein outstanding amount is shown as Rs.31,56,567/- + expenses of

Rs.26,273/-, the petitioner has deposited amounts of Rs.2,00,000/- on 6th April 2023, Rs.5,00,000/- on 11th December 2024 and further Rs. 3,00,000/- on 17th April 2025, thus totalling to an amount of Rs.10,00,000/-.

3. Issue notice to the Respondents, returnable on 7th July 2025. Mr. S.H. Kankal, learned Assistant Government Pleader waives notice for respondent nos.1 and 3 to 6. Other respondents be duly served. In addition to court notice, service by registered/speed post with acknowledgment is permitted. Affidavit of service be filed before returnable date.

4. By way of ad-interim relief, subject to the Petitioner depositing further amount of Rs.5,00,000/- with the Respondent no.2-Credit Society without prejudice to the rights and contentions of the parties, within a period of three weeks from today, no steps shall be taken to dispossess the petitioner. Failure to deposit the aforesaid amount would result in above ad-interim relief being vacated automatically. The learned counsel for the petitioner states that no extension of time would be sought for making this deposit. Statement is accepted.

5. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]