

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6629 OF 2025**

Deepali Ashwini Girhe ... Petitioner
vs.

The State of Maharashtra,
Through Secretary, Ministry of
Co-operation, Textile and Marketing and others ... Respondents

Mr. Shailendra S. Kanetkar for petitioner.

Mr. A. I. Patel, Addl. GP a/w. Smt. Leena Patil, 'B' Panel Counsel for
respondent Nos.1, 2, 5 and 6-State.

Mr. Amol A. Gatne for respondent Nos.3 and 4.

CORAM : MANISH PITALE, J.

DATE : 13th JUNE, 2025

P.C. :

. Heard learned counsel for the petitioner, learned Addl. GP and
learned counsel appearing for respondent Nos.3 and 4.

2. In this petition, on 23.05.2025, this Court, while listing the
petition before the Regular Court on 09.06.2025, directed that
coercive action would not be taken on the basis of the order dated
14.05.2025 at Exhibit I. In the said order, this Court also took note of
an order dated 19.04.2025 passed by the Divisional Joint Registrar,
Co-operative Societies, granting stay to the auction of the subject
property.

3. On 09.06.2025, since the petition was not listed, this Court, on
a *praecipe*, directed the petition to be listed today with the interim
order granted on 23.05.2025 continuing till today.

4. In the meanwhile, the contesting respondent Nos.3 and 4 filed their reply affidavit, placing certain documents on record.

5. The learned counsel appearing for respondent Nos.3 and 4 invited attention of this Court to the documents filed with the reply affidavit, which show that this very petitioner had filed earlier Writ Petition No.3398 of 2024, challenging an order dated 13.12.2022, passed by the Collector, Pune, under Section 156 of the Maharashtra Co-operative Societies Rules, 1961, in respect of the very same property, due to default on the part of the petitioner in repayment of loan amount. By the said order, it was directed that possession of the property would be taken. The documents filed with the reply affidavit show that the effect of the said order was stayed, subject to the petitioner depositing a specific amount before this Court. Subsequent orders show that the petitioner failed to comply with the said direction in its entirety, as a consequence of which the said petition stood dismissed without reference to the Court, on the basis of a conditional order dated 10.05.2024.

6. It is in this backdrop that the proceeding for auction of the said property was undertaken at the behest of respondent Nos.3 and 4. The revision proceedings arise out of the said auction proceeding and as on today, there appears to be an interim stay of the auction, pending decision of the revision application before the Divisional Joint Registrar.

7. The impugned order dated 14.05.2025 at Exhibit I shows that it specifically refers to the aforementioned earlier order dated 13.12.2022 passed by the Collector and in that context, fixed a date for taking over possession of the property.

8. Considering the chronology of events, the petitioner was expected to divulge all the facts pertaining to earlier Writ Petition No.3398 of 2024 filed before this Court and its ultimate fate, due to non-compliance on the part of the petitioner of the orders passed by this Court. None of the said facts have been stated in the present writ petition and an interim order was obtained on 23.05.2025 from the Vacation Court, by relying upon the stay of the auction granted by the Divisional Joint Registrar in the revision proceedings.

9. The learned counsel appearing for respondent Nos.3 and 4 is justified in contending that this is a case of deliberate suppression of relevant facts on the part of petitioner to obtain interim protection. There is substance in the contention that the impugned order dated 14.05.2025 is passed independently on the basis of the earlier order of the Collector dated 13.12.2022, which was made subject matter of challenge in Writ Petition No.3398 of 2024 and the challenge failed before this Court.

10. This Court finds that the petitioner has indulged in suppression of facts and thereby misled this Court into granting interim order dated 23.05.2025. The purity of the process of Court has to be preserved and the petitioner having polluted the same, deserves no further indulgence from this Court.

11. In view of the above, the writ petition is dismissed and consequently, the interim order granted by this Court, stands vacated.

(MANISH PITALE, J)