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

WRIT PETITION NO.7354 OF 2025

Prakash Balwantrao Ingawale	... Petitioner
V/s.	
The Special Recovery Officer, through Baramati Sahakari Bank Limited, & Ors.	... Respondents

**WITH
CONTEMPT PETITION (ST.) NO.22487 OF 2025**

Prakash Balwantrao Ingawale	... Petitioner
V/s.	
Prashant Dyandev Shirke	... Respondent

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Mr. Sushant Prabhune for the petitioner.
Mr. Pratap Patil for respondent Nos.1 & 2.
Mrs. V.S. Nimbalkar, AGP for respondent Nos.3,4, & 7-
State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 18, 2025

P.C.:

Writ Petition No.7354 of 2025:

1. By the present writ petition filed under Article 227 of the Constitution of India, the petitioner has questioned the legality of the order passed by the District Magistrate in exercise of power under Rule 107(D-1)(vi) of the Maharashtra Cooperative Societies Rules, 1961.

2. This Court has already dealt with an identical issue in the case of *Amit Jori vs. State of Maharashtra & Ors.*, Writ Petition No.1331 of 2025, decided on 4 February 2025. In that judgment, this Court has categorically held that the power exercised by the Magistrate under Rule 107(D-1)(vi) is purely ministerial and executionary in nature.

3. Once it is held that the function is ministerial, the role of the Magistrate is confined to implementing the statutory direction as it stands. The Magistrate does not exercise any adjudicatory function, nor does he have to weigh evidence or examine rival claims. His role is limited to carrying out the legislative mandate in a mechanical manner.

4. In such cases, no element of discretion is involved. The decision of the District Magistrate does not require application of mind to competing claims or an evaluation of fairness. It is not akin to a quasi-judicial function where questions of bias, natural justice, or fairness arise. The law itself directs the course of action, leaving no scope for independent decision-making.

5. Consequently, this Court is of the opinion that Rule 107(D-1) (vi) does not, and cannot, confer any authority upon the Chief Metropolitan Magistrate or the District Magistrate to consider objections, entertain disputes, or adjudicate rights between the borrower and any other party. The Magistrate cannot enter into disputed questions of fact or law, since the statutory duty is restricted to execution of the request placed before him under the Rule.

6. For these reasons, and in view of the binding precedent in *Amit Jori* (supra), I am of the considered view that the present writ petition, which seeks to challenge the validity of the order passed by the District Magistrate in exercise of such limited executionary power, cannot be entertained.

7. The writ petition is accordingly dismissed.

Contempt Petition (St.) No.22487 of 2025:

8. Insofar as the contempt petition is concerned, it is clear that the interim order of this Court was passed without noticing the earlier binding precedent in *Amit Jori* (supra). Once it is established that the interim order itself was contrary to the settled legal position, no issue of willful disobedience survives.

9. Therefore, nothing further remains for adjudication in this contempt petition.

10. The contempt petition accordingly stands disposed of.

(AMIT BORKAR, J.)