

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10031 OF 2025

Shreeram Tewari & Anr

..Petitioners

Versus

State of Maharashtra Through Government
Pleader & Ors

...Respondents

Mr. Rajneesh Jaiswal, for the Petitioner.

Ms. Savina Crasto, AGP, for Respondent No.1-State.

Mr. Sanjay Ambhawane, i/b Medha Rane, for Respondent Nos. 2 and
3.

CORAM: N. J. JAMADAR, J.

DATED : 21st JULY 2025

P.C.:

1. Heard the learned Counsel for the parties.

2. The challenge in this Petition is to an order passed by the learned Chief Judicial Magistrate, Thane, under Rule 107(11)(d-1)(vi)(a) of the Maharashtra Cooperative Societies Rules 1961 (“the Rules 1961”) , authorising the Recovery Officer to take possession of the subject property.

3. The Petitioners have already instituted a Suit before the Civil Judge, Senior Division, Thane, seeking substantive reliefs. The impugned order is in the nature of a ministerial exercise of statutory

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function. The Petitioners will have to workout their remedies before the Civil Court.

4. Mr. Ambhawane, the learned Counsel for Respondent Nos. 2 and 3, on instructions, submits that the Respondent Nos. 2 and 3 will not execute the order passed by the learned CJM, for a period of two weeks.

5. The statement is accepted.

6. The aforesaid course provides sufficient time to the Petitioners to obtain appropriate reliefs in the Suit before the learned CJSD.

7. The Petition stands disposed.

8. All contentions of all the parties are kept open for consideration.

[N. J. JAMADAR, J.]