

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12235 OF 2025

Ketan Jawahar Nigade

...Petitioner

Versus

The Collector, Pune and Ors.

...Respondents

Mr. Sarang S. Aradhye a/w. Ms. Gauri Velankar, advocate for the
Petitioner.

Ms. Tanu N. Bhatia, AGP for Respondent Nos 1 to 4.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 20TH SEPTEMBER 2025.

PC:-

1. Heard Mr. Aradhye, learned counsel for the Petitioner and
Ms. Tanu Bhatia, learned AGP for Respondent–State.

2. The Petitioner has approached this Court by filing this Writ
Petition seeking stay of the recovery proceedings and challenging
the auction sale notice of the Petitioner’s property, which is
scheduled on 23rd September, 2025 at 11:00 a.m. in execution of
the certificate of recovery dated 13th May, 2016 issued under
Section 101 of the Maharashtra Co–operative Societies Act, 1960.

3. According to the writ Petitioner, as per his date of birth
recorded in the loan application, he was minor on the date on
which the loan was sanctioned, and, therefore, it was not
permissible under the law for the Petitioner to borrow any amount
from the Respondent No.6–Co–operative Credit Society. It is the
case of the Petitioner that the entire transaction is vitiated by

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fraud. However, if the possession of the land is permitted to be taken over then in that event, he would become landless person.

4. Ms. Tanu Bhatia, the learned AGP has pointed out that a revision would lie against the impugned order under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short “the MCS Act”). At this stage, the Petitioner’s counsel seeks leave of this Court to withdraw the Writ Petition and file a Revision Petition before the Deputy Registrar, Cooperative Societies, by invoking jurisdiction under Section 154 of the MCS Act. He, however, seeks limited protection on the auction of Petitioner’s property is scheduled on 23rd September, 2025 at 11:00 a.m.

5. Taking note of the prayer made by the Petitioner’s counsel, the Writ Petition stands disposed of as withdrawn with liberty as prayed for. It will be open for the Petitioner to make a prayer for interim relief before the learned Deputy Registrar. However, for the ends of justice, it is provided that the auction sale be kept in abeyance for a period of two weeks from today, so as to enable the Petitioner to avail appropriate alternative remedy, in accordance with law. Since the Writ Petition is disposed of as withdrawn, no notice is required to be issued to the Respondents in this case.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)