

Shabnoor

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

WRIT PETITION NO.16363 OF 2025

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Munnidevi Premlal Navik

... Petitioner

V/s.

Amit Bandu Pisal & Ors.

... Respondents

Mr. Mithilesh G. Rajbhar a/w Ms. Anita M. Rajbhar and
Sonali K., for the Petitioner.

Mr. Pradeep S. Gole, for the Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 2, 2025

P.C.:

1. The challenge in this petition is to the notices issued by the Special Recovery Officer calling upon the purchaser to vacate the premises, and to the notice dated 17 November 2025, calling upon the petitioner to cooperate for carrying out attachment of the property.

2. According to the society, the property in question was mortgaged to the society in January 2019. However, according to the petitioner, he purchased the property in the year 2020. The petitioner is entitled to raise his claim under sub-rule (19) of Rule 107 of the Maharashtra Cooperative Societies Rules, 1961 ("MCS Rules") against the attachment of the property. The Special Recovery Officer, however, cannot physically dispossess any person; the remedy available to the Special Recovery Officer is to make a request to the District Magistrate or the Chief Judicial

Magistrate, as the case may be, for handing over possession under Rule 107(d-1)(iv) of the MCS Rules. Therefore, without disturbing the actual physical possession of the petitioner, the Special Recovery Officer may complete the process of attachment.

3. Hence, it shall be open for the petitioner to raise objections as contemplated under sub-rule (19) of Rule 107 of the MCS Rules.

4. The Special Recovery Officer shall decide such objections within two weeks from the date of filing of such objections, after giving an opportunity of hearing to the petitioner.

5. With this clarification, the writ petition stands disposed of.

6. No costs.

(AMIT BORKAR, J.)