



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7200 OF 2025

M/S RAI UDYOG LIMITED, THR. MANAGING DIRECTOR, KISHOR S/O GOPICHAND RAI AND
ANOTHER
VS

THE STATE OF MAHARASHTRA, THR. THE PRINCIPAL SECRETARY, MUMBAI AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. A.H. Lohiya a/w Ms S.O. Tapdiya, and Mr. C.G. Dongre, Advocates for the Petitioners
Ms K.P. Marpakwar, AGP for the Respondent Nos.1 to 4/State
Mr. N. L. Jaiswal, Advocate for the respondent Nos. 5 and 6

CORAM:- **ANIL S. KILOR AND RAJNISH R. VYAS, JJ.**

DATE : **24.11.2025**

. Heard learned counsel for the petitioners.

(2) By this Petition, the Petitioners are challenging the order dated 13/08/2025 passed by the Respondent No. 3 – District Magistrate, Nagpur under Rule 107(11)(d-1)(vi) of the Maharashtra Co-operative Societies Rules, 1961 and the communication dated 28/08/2025 issued by the Respondent No. 4 – Tahsildar, Nagpur.

(3) The Petitioner received the communication dated 28/08/2025 issued by the Tahsildar in which it was informed that the Tahsildar will be taking physical possession of the properties mentioned in the said notice after seven days.

(4) The execution of recovery certificate after more than 20 years is under challenge in this Petition. The Petitioners are also challenging Rule 107(11)(d-1)(vi) of the MCS Rules as unconstitutional.

(5) After going through Rule 107(11)(d-1)(vi) of the MCS Rules, *prima-facie* it appears that the impugned order is not sustainable. Similar issue is pending for consideration before this Court in Writ Petition No.3483 of 2025 (page 154).

(6) In view of the above facts, issue notice to the Respondents as well as the Advocate General, returnable on **22/12/2025**.

(7) Learned AGP waives notice for the Respondent/State and Advocate General.

(8) Mr. Jaiswal, learned counsel, waives service of notice for the respondent Nos.5 and 6.

(9) In the meanwhile, there shall be ad-interim relief in terms of prayer clause (c), which reads as follows:

“(c) Pending hearing and final disposal of the writ petition, by way of interim order, stay the effect, operation, implementation and execution of impugned order dated 13/08/2025 passed by Respondent No.3.”

(10) The present Writ Petition be listed along with Writ Petition No. 3483/2025.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)