



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5218 OF 2024

**SHESHRAO KISHANRAO BHALERAO DIED THR
LRS KAMLABAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR
SECRETARY AND OTHERS**

...
Advocate for the Petitioners : Mr. Suryawanshi Kamlakar J.
AGP for Respondent/State : Mr. Madhukar A. Aher
Advocate for Respondent Nos.4 and 5 : Mr. P.S. Agrawal
...

CORAM : ABASAHEB D. SHINDE, J.

DATE : 20.02.2026

PER COURT:

1. Heard the learned counsel for the petitioners and the learned AGP as well as the learned counsel for the contesting respondents.
2. By this Writ Petition, the petitioners are taking an exception to the order dated 12.10.2022 passed by the respondent No.2-District Magistrate/Collector, Hingoli bearing outward No. 2021/DC-1/MCS Act/C.R. No.-02 as well as the possession notice dated 10.05.2024 issued by the respondent No.3-Circle Officer,

Hingoli.

3. It seems that pursuant to an application filed by the respondent Nos.4 and 5 under Section 107 of the Maharashtra Co-operative Societies Rules, 1961, the respondent No.2-District Magistrate/Collector, Hingoli has passed the impugned order dated 12.10.2022 for handing over the possession of immovable property to the petitioners.

4. Apparently, the impugned order passed by the respondent No.2 is against deceased- Sheshrao Kishanrao Bhalerao who expired on 16.09.2013 and therefore, the impugned order has been passed against a dead person.

5. It is settled position of law that any order or decree passed against a dead person is a nullity. In that view of the matter, I find that the impugned order deserves to be quashed and set-aside solely on the said ground.

6. Learned counsel for respondent Nos.4 and 5/Bank would submit that the respondent Nos.4 and 5 should not be construed to have been precluded from taking out appropriate proceedings at an appropriate stage for recovery of loan against the petitioners being legal heirs of deceased- Sheshrao Kishanrao Bhalerao.

7. I find that since, this Writ Petition is restricted only to the

extent of challenging the impugned order on the ground that the same has been passed against a dead person, hence setting aside of the impugned order will not come in the way of respondent Nos.4 and 5 in resorting to the remedies permissible under law.

8. Learned counsel for respondent Nos.4 and 5 would further submit that since the petitioners have deposited an amount of Rs.10,00,000/- (Rupees Ten Lacs Only) pursuant to the order dated 30.05.2024 passed by this Court, the same may be permitted to be withdrawn by respondent Nos.4 and 5.

9. I find that without prejudice to the rights and contentions of the parties, the respondent Nos.4 and 5 is permitted to withdraw the said amount alongwith the interest accrued thereon.

10. In view of the above, the Writ Petition stands disposed of.

(ABASAHEB D. SHINDE, J.)

vsj..