



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

**WRIT PETITION NO. 15081 OF 2023**

Asha Dhondiram Lashkare And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. A. A. Yadkikar, Advocate for the Petitioners

Mrs. M. L. Sangit, AGP for Respondent-State

Mr. V. A. Bagdiya, Advocate for Respondent no.4

Mr. C. V. Thombre, Advocate for Respondent no.6

**WITH**

**WRIT PETITION NO. 6749 OF 2024**

Savita Lingaji Kamble

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. C. V. Thombre, Advocate for the Petitioner

Mrs. M. L. Sangit, AGP for Respondent-State

Mr. V. A. Bagdiya, Advocate for Respondent no.4

**WITH**

**CIVIL APPLICATION NO. 12131 OF 2024 IN WP/15081/2023**

.....

**CORAM : AJIT B. KADETHANKAR, J.**

**DATED : 06<sup>TH</sup> APRIL, 2026**

**ORDER :-**

**WRIT PETITION NO. 15081 OF 2023**

. Petitioners, being in default in repaying the loan facility together with accrued interest to the respondents/financial, the authorities issued a recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act for recovery of the dues. The petitioners challenged the said recovery certificate in the present Writ Petition.

2. Mr. A. A. Yadkikar, learned Counsel for the petitioners in Writ Petition No.15181 of 2023 would submit that the core

objection of the petitioners is in respect of failure on the part of the respondents to serve a notice of Section 101 proceedings. He would submit that raising this contention, the petitioners have filed a Revision Application No.12 of 2023 before the Divisional Joint Registrar, Chhatrapati Sambhajanagar. He submits that the said authority rendered erroneous findings of fact regarding service of notice on the petitioners, and resultantly dismissed the Revision Application vide order dated 25.10.2023.

3. Mr. Yadkikar, learned Counsel submits that the main ground in the Writ Petition pertains to service of notice in Section 101 proceedings on the petitioners. He would submit that the petitioners be afforded a full opportunity of hearing to present their case on merits. He would submit that the purpose would be served by relegating the parties back to the Revisional Authorities with an opportunity to the petitioners to place their case on record.

4. Mr. V. A. Bagdiya, learned Counsel for the financial institution/respondents has invited my attention to page no.38 of the Writ Petition. Referring to clause no.8 of the said certificate, he would submit that it is ample clear that the petitioners were afforded full opportunity of hearing during Section 101 proceedings. He would submit that the objection raised by the petitioners is therefore incorrect. He further submits that despite the authorities having been taken possession from the petitioners, the petitioners have forcibly taken the suit property into their own possession, and as on today too, the subject matter property is in illegal possession of the petitioners.

5. Mr. Yadkikar, learned Counsel on instructions from his client who is personally present in the Court would submit that the petitioners are not occupying the subject matter/property.

6. Mr. Bagdiya, learned Counsel seeks two weeks time to place on record evidence to show that the record at page no.38 is endorsed on facts.

7. In view of the statement made by Mr. Yadkikar, the Tahsildar, Chhatrapati Sambhajanagar shall ensure full assistance to the respondents/financial institution to hold possession on the subject matter property.

8. Stand over to 20.04.2026.

**WRIT PETITION NO.6749 OF 2024**

. Mr. C. V. Thombre, learned Counsel for the petitioner submits that the petitioner is the guarantor to the loan advanced to the petitioners in Writ Petition No.15081 of 2023. He would record his two objections in the present Writ Petition; firstly, that the notice of Section 101 proceedings was never served on the petitioner; and secondly, that the respondent no.2 would not have territorial jurisdiction over the subject matter.

2. Stand over to 20.04.2026.

**( AJIT B. KADETHANKAR, J. )**