



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3180 OF 2026**

Munaf Afjal Khatik,

Age: 60 years, Occu.: Agriculture,

Address: At Post Kharde BK, Tq. Shinkheda,

Kharde Bk., Dist. Dhule, Maharashtra

..Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Cooperation and Textile Department,
Mantralaya, Mumbai-32.
2. The Divisional Joint Registrar,
Cooperation Societies, Nashik Division,
3rd Floor, Gruhnirman Bhavan, Old Agra Road,
Gadkari Chowk, Nashik – 422002.
3. The Assistant Registrar,
Cooperative Societies, Shinkheda,
Tq. Shindkheda and District Dhule.
4. Jawhar Nagari, Sahakari Patpurvatha Sanstha,
Dondaicha, Trhough its brnach Manager/Recovery Officer,
R/o. Dondaicha, Tq. Shinkheda, Dist. Dhule.
5. Vishram Santosh Patil,
Age: 70 years, Occu.: Agriculture,
R/o. Kharde, Tq. Shinkheda, Dist. Dhule.
6. Sudhakar Damu Patil,
Age: 60 years, Occu.: Agriculture,
R/o. Anjan Hire, Tq. Shinkheda, Dist. Dhule.
7. State Bank of India,
Dondaicha Branch,
Through its Branch Manager,
Dondaicha, Tq. Shinkheda, Dist. Dhule. ..Respondents

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Mr. A. S. Sisodiya, Advocate for Petitioner.

Mr. S. P. Joshi, AGP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th MARCH, 2026.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.
2. The petitioner impugns order dated 10.06.2025 passed by respondent no.3/Assistant Registrar, Co-operative Societies, Shinkheda, District Dhule as well as auction notice dated 11.03.2026 issued by respondent no.4/Credit Society under Rule 107(5)(11) of Maharashtra Co-operative Societies Rules, 1961 (for short 'MCS Rules, 1961'). The petitioner also seeks Writ in nature of direction against respondent nos.1 to 3 to conduct enquiry in loan account standing in name of petitioner and verify original documents.
3. The learned Advocate appearing for petitioner submits that petitioner had never obtained loan from respondent no.4/Credit Society. The loan documents are false and fabricated. The respondent no.4 filed application before respondent no.3 under Section 100 of Maharashtra Co-operative Societies Act, 1960 (for short 'MCS Act, 1960') r/w Rule 85 of MCS Rules, 1961. The respondent no.3 without verifying factual aspects passed impugned order dated 10.06.2025. Eventually, respondent no.4 has issued auction notice dated 11.03.2026, which is contrary to provisions of law.

4. Perusal of record indicates that on 19.11.2013, Assistant Registrar, Co-operative Societies, Shindkheda issued certificate under Section 101 of MCS Act, 1960 against petitioner. The charge of loan amount of Rs.4,85,000/- has been recorded in 7/12 extract of Gut No.384, which is owned by petitioner. The respondent no.4/Credit Society issued demand notice in terms of Rule 107(3) of MCS Rules, 1961 to petitioner and his guarantors. Similarly, they were served with a notice under Rule 107(5) of MCS Rules, 1961, prior to attachment of property. Eventually, agriculture land bearing Gut No.384 has been attached. The respondent no.4/Credit Society then obtained order under Rule 107(11) of MCS Rules, 1961. The upset price is fixed to Rs.34,98,000/- by order dated 20.03.2023 passed by District Deputy Registrar, Dhule. Eventually, auction notices were issued on 06.06.2024, 21.06.2024 and 08.07.2024 in newspaper. However, auction could not be finalized.

5. Pertinently, previously petitioner had raised challenge to order dated 12.02.2024 passed by Assistant Registrar under Rule 107 of MCS Rules, 1961 by filing Revision under Section 154 of MCS Act, 1960. However, did not prosecute same. Ultimately, his Application No.28/2024 came to be dismissed in default vide order dated 30.01.2025. The petitioner has neither raised any challenge to said order nor sought restoration of his application. Finally, on

10.06.2025 Assistant Registrar passed order under Section 100 of MCS Act, 1960 r/w Rule 85 of MCS Rules, 1961 in favour of respondent no.4/Credit Society. In deference to aforesaid order impugned, auction notice has been issued.

6. In light of aforesaid factual backdrop, this Court finds that present petition is malafide attempt to stall proceeding undertaken by respondent no.4/Credit Society. The petitioner could not make out ground to cause interference under Article 227 of Constitution of India.

7. In result, Writ Petition stands dismissed.

8. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE