



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

CRIMINAL WRIT PETITION NO. 298 OF 2026

1. Datta S/o Kisanrao Hathkadke
Age : 40 Years, Occ. Business
R/o. Shanti Nagar, Mantha,
Tq. Mantha, Dist. Jalna.
 2. Shaikh Junaid Shaikh Jalil
Age : 38 Years, Occ. Business
 3. Shaikh Sajed Shaikh Jalil
Age : 56 Years, Occ. Business,
Both are R/o Jalil Colony, Mantha,
Tq. Mantha, Dist. Jalna
- ..PETITIONERS**

V E R S U S

1. The State of Maharashtra,
Through its Secretary, Home Department,
Government of Maharashtra, Mumbai-32.
 2. The Superintendent of Police,
Superintendent of Police Office,
Jalna.
 3. The Deputy Superintendent of Police,
Economic Wing, Latur
 4. The Sub Registrar,
Sub Registrar Office, Mantha,
Tq. Mantha, Dist. Jalna
- ..RESPONDENTS**

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Advocate for the petitioners : Mr. Krushna S. Solanke
A.P.P. for Respondent Nos. 1 to 4/State : Mrs. Chaitali R.
Choudhari/Kutti.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

**RESERVED ON : 07.05.2026
PRONOUNCED ON : 08.05.2026**

JUDGMENT (PER SANDIPKUMAR C. MORE, J.) :-

1. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the petitioner and learned A.P.P. at the stage of admission .

2. By invoking Articles 226 & 227 of the Constitution of India, the petitioners are seeking quashing of the impugned order/communication dated 16.06.2025, issued by respondent No.3 i.e. Dy. Superintendent of Police (Economic Wing), Latur in violation of principle of natural justice and contrary to the provisions of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999 (for short "MPID Act").

3. The learned counsel for the petitioners submits that the petitioners have purchased land Gut No. 127 under various sale deeds along with other persons from the original owners namely Sumanbai Indrajeet Hathkadke, Ramkuwar Indrajeet Hathkadke and others. However, when they intended to sale the said property, they got the knowledge from respondent No.4 vide letter dated 06.02.2026, that respondent No.3 had already issued impugned communication, thereby directing respondent No.4/the Sub Registrar, Mantha to prohibit further transfer of the property Gut No.127 situated at

Manta, District Jalna. The learned counsel for the petitioners thus submitted that when the petitioners are not the accused in any crime involving the provisions of the MPID Act and that they had purchased the aforesaid property Gut No. 127 along with other owners from the original owners, respondent No.3 ought not to have issued such communication, which is impugned in this petition. Apart from this, the learned counsel for the petitioners also raised objection that respondent No.3 was not empowered to issue such communication in the light of Section 4 of the MPID Act. For that purpose, he placed reliance on order of this Court dated 22.12.2025 in ***Criminal Writ Petition 643 of 2025 [Ausha w/o Sureschandra Nelge and another Vs. The State of Maharashtra and others]***

4. Per contra, the learned A.P.P. by filing affidavit-in-reply, strongly opposed the petition on the ground that, one of the purchaser of certain part of Gut no. 127, i.e. Chandulal Mohanlal Biyani is the main accused in crime No. 234 of 2024 registered with Gandhi Chowk Police Station, Dist Latur along with others, being the Chairman of Rajasthan Multi State Co-operative Credit Society Limited, Parli Vajjnath, who have cheated the depositors of the said institution, by making

misappropriation of crores of rupees. The learned A.P.P. further submits that the property mentioned in the impugned communication is in fact purchased by main accused Chandulal Biyani during the period of misappropriation i.e. between 2022 to 2024. Thus, according to her, the issuance of communication challenged in this petition was necessary to safeguard the interest of the depositors.

5. Heard rival submissions also perused the entire material placed on record.

6. Though it is claimed by the respondents that the disputed land i.e. Gut No. 127 of village Manta, District Jalna was purchased by main accused Chandulal Biyani with the aid of misappropriated amount, but on going through the sale deeds produced on record by the petitioners, only small part admeasuring 42.33 R of the said land appears to be purchased by Chandulal Biyani along with the present petitioner Nos. 1 and 2 i.e. in the year 2022 from the original owners. However, in the year 2024 Chandulal Biyani had sold his undivided share of 14.11 R from the said part to petitioner Nos. 1 and 2 and one Ramdas Uttam Borade. Thus, the issuance of communication impugned in this petition in respect of the entire land of Gut No. 127, definitely appears

erroneous.

7. Admittedly, the transaction by Chandulal Biyani of sailing his undivided share as mentioned above was after registration of the crime against him, but the main question involved in this matter is, as to whether under the provisions of MPID Act, specially under Section 4, respondent No.3 was empowered to issue such communication. For that purpose, the learned counsel for the petitioners has heavily relied on the judgment of this Court dated 22nd December 2025 in the case of ***Ausha w/o Sureschandra Nelge and another Vs. The State of Maharashtra and others*** (supra). The core issues for our consideration in the said judgment are reproduced herein below :-

(i) Whether the Investigating Officer under the scheme of M.P.I.D. Act and the Code of Criminal procedure, 1973 (for short “Cr.P.C”), has the power to unilaterally freeze or attach immovable properties by writing a letter to the Sub Registrar or Land Revenue Authorities ?

(ii) Whether the impugned order passed without giving any notice and without following the procedure prescribed by Section 4 of the M.P.I.D Act, violates the principles of natural justice and is liable to be quashed ?

8. This Court had relied the earlier judgment of the Co-ordinate Bench of this Court in ***Criminal Writ Petition No. 231 of 2025 (Vijaykumar alias Vijay S/o Sitaram Dandanaik Vs. The State of Maharashtra)*** dated **16.09.2025**, wherein following observation was made.

“ Thus, this Court has held that the Investigating Officer cannot assume the statutory powers of the Government or the designated Court by directly issuing orders or directions to the Sub Registrar asking them to attach or freeze the properties by making an endorsement in the land records. In present case Section 4 of the M.P. I.d. Act does not provide any such legislative mandate to the Investigating Officer to attach the landed properties of the accused persons involved in M.P.I.D Act by writing a letter to the Sub-Registrar of the Land Revenue.

10. The record also reveals that the impugned order has been passed without giving any notice to the petitioner and record also reveals that the petitioner was never heard or called upon before any such letter was to be issued to the Sub-Registrar of the Land Records Thus, the action taken without notice or providing opportunity of hearing and furthermore in this regard to the judicial orders granting bail and recording full satisfaction of security for the depositors claims. The impugned order is bad in law. It is trite law

that no person can be deprived of property saved by Authority of Law and in conformity with principles of natural justice as guaranteed under Article 300 A of the Constitution of India. The settled principle of law which underscores that even statutory powers of attachment must be exercised with due process and cannot overwrite constitutional protection to property without fair opportunity of being heard.”

9. By taking the similar view, this Court in the case of ***Ausha w/o Sureschandra Nelge*** (supra) has held that, the Investigating Officer while investigating the offence under M.P.I.D. cannot issue the impugned communication contrary to the provisions of Section 4 of the said Act and that too without following principal of natural justice. Here in this case also, respondent No.3 is investigating the crime against one Chandulal Biyani and others, who are charged for defrauding the depositors under the provisions of M.P.I.D. Act. The present petitioners are not the accused in the aforesaid crime. Under such circumstances, considering the view taken by this Court in both the aforesaid judgments, the impugned communication appears to be issued by respondent No.3 by exceeding his powers. Powers to issue such communication as per the provisions of M.P.I.D Act are only

with Competent Authority or State Government, and therefore, the impugned communication has to be quashed and set-aside. In view of the same, we pass the following order.

O R D E R

- (i) The Criminal Writ Petition stands allowed and the impugned order/communication dated 16.06.2025 issued by respondent No.3 Dy. Superintendent of Police, (Economic Wing), District Latur, is hereby quashed and set aside.
- (ii) The rule is made absolute in aforesaid terms.
- (iii) However, it is made clear that this order will not preclude the Competent Authority or State Government from taking any action strictly in accordance with the provisions of the M.P.I.D Act and in respect of only the accused in Crime No. 234/2024 registered with Gandhi Chowk, Police Station, Dist. Latur, upon obtaining the appropriate order from the designated Court, if such action is warranted in law.

10. Accordingly the petition stands disposed of.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE