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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.710 OF 2026
AND
WRIT PETITION NO.711 OF 2026

Gaurang Bhupendra Hemade ... Petitioner
V/s.
NKGSB Cooperative Bank & Ors. ... Respondents

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Mr. Surel S. Shah, Senior Advocate i/by Rushikesh S.
Kekane for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2026

P.C.:

1. In these writ petitions, the petitioner questions the legality of an attachment order passed by the Recovery Officer. The Recovery Officer invoked Section 97 of the Multi-State Cooperative Societies Rules, 2002. The attachment covers a property claimed to be exclusively owned by the petitioner. The petitioner argues that the Recovery Officer acted without authority since the property does not belong to the borrower.

2. The petitioner states that the property originally belonged to the petitioner's grandfather. The grandfather gifted the property to the petitioner by a registered gift deed in 2019. The petitioner is not a borrower. The petitioner is not a guarantor. The borrower was the petitioner's father. The Bank has already sold the borrower's property for recovery. The petitioner claims that the

father had no right, title, or interest in the gifted property. The petitioner contends that attaching his property is illegal and unsupported by the statutory scheme.

3. The Rules framed under the Multi-State Cooperative Societies Act provide a structured mechanism. The Rules are similar to Rule 107 of the Maharashtra Cooperative Societies Rules, 1961. Under sub-rule 14 of the Multi-State Cooperative Societies Rules, 2002, the Recovery Officer may raise objections regarding the attachment. The scheme indicates that disputes regarding attachment must be examined by the authority designated under the Rules and not directly by the High Court in writ jurisdiction unless jurisdictional error or breach of natural justice is demonstrated by evidence.

4. The petitioner relies on sub-rule 20 of Rule 37 of the Multi-State Cooperative Societies Rules, 2002. Under this provision, a person who claims independent ownership can prefer a claim to protect his property from sale or attachment. The petitioner asserts exclusive ownership. This is a factual assertion capable of proof through documents. The Rule provides an appropriate forum and procedure for determination of such claims.

5. On examining the pleadings in the writ petition, the petitioner has given particulars of his claim in paragraphs 3(a) to 3(d). These averments include the source of title, the gift deed, and the lack of connection between the petitioner's property and the borrower's liability. These averments are sufficient to trigger adjudication under the mechanism provided by the Rules. These

details will be treated as a claim asserted before the competent authority.

6. The petitioner shall place a copy of this writ petition before the Sale Officer. The Sale Officer shall treat the writ petition as a claim under clause 20 of Rule 37. The Sale Officer shall adjudicate the claim. The Sale Officer shall decide the claim within four weeks from the date of filing.

7. Both the writ petitions stand disposed of in above terms. No costs.

(AMIT BORKAR, J.)