

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11772 OF 2025

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M/s Raghunandan Dairy Farm Pvt. Ltd.

Through Its Directors

... Petitioners

V/s.

The Recovery Officer

Pune District Central Cooperative

Bank Ltd. & Ors.

... Respondents

Mr. Satyajeet Dighe i/by Sudip Kenjalkar with Paras
Yadav for the petitioner.

Mr. Bapusaheb Dahiphale, AGP, for the State –
respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 18, 2025

P.C.:

1. By this writ petition under Article 227 of the Constitution of India, the petitioners have questioned the legality of an order of adjudication passed by the Special Recovery Officer under Rule 107(11) of the Maharashtra Co-operative Societies Rules, 1961. The scheme of the Maharashtra Co-operative Societies Act, 1960 provides a complete mechanism for redressal of such grievances. Section 154 of the Act specifically confers a revisional jurisdiction upon the competent authority against any order passed under the Act or the Rules. Thus, an alternative statutory remedy is available to the petitioners.

2. The petitioners have also sought to assail another order passed in exercise of power under Rule 107(11)(d-1)(iv) of the Rules of 1961. This Court has already examined the scope of this provision in Writ Petition No. 1331 of 2025 (Amit Prakash Jori & Anr. vs. The State of Maharashtra & Ors.). In paragraph 13 of that judgment, this Court held that the function of the authority under the said Rule is purely executionary. It does not involve adjudication of disputed rights. The reasoning was that a quasi-judicial act presupposes an element of discretion where the authority weighs evidence, considers rival contentions, and thereafter delivers a determination after hearing the affected parties. Rule 107(11)(d-1)(iv), however, mandates that once a proper application is made by the Special Recovery Officer, the Magistrate must proceed to execute the order. The Rule neither requires the Magistrate to hold an independent inquiry into the correctness of the dues nor obliges him to grant a hearing to the borrower before delivery of possession.

3. The above interpretation shows that the act of the Magistrate under this Rule is ministerial in nature. It is limited to enforcing the recovery process already crystallised and does not amount to a quasi-judicial adjudication. Therefore, interference in writ jurisdiction is not warranted, particularly when the petitioners have a specific remedy under Section 154 of the Act.

4. In view of this clear legal position, this writ petition cannot be entertained and accordingly stands dismissed.

5. However, it is clarified that the dismissal of this petition will not prejudice the petitioners' right to pursue a revision under Section 154 of the Act against the order of adjudication. If such a revision is preferred, the Revisional Authority shall consider it on its own merits and decide the same in accordance with law, without being influenced by the present order.

(AMIT BORKAR, J.)