

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2601 OF 2026

Rajendra Digambar Wade & Ors. ... Petitioner

V/s.

The State of Maharashtra Cooperative
& Marketing Department & Ors. ... Respondents

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Mr. Narayan G. Rokade a/w Siddharth R. Ghodake,
and Ramchandra Wagh, for the Petitioner.

Ms. Dhruvi Kapadia, AGP, for the State – Respondent
Nos.1 to 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 24, 2026

PC.:

1. The petitioners are challenging the notices of attachment dated 13th March 2025 and 28th October 2025, issued pursuant to certificates under Section 88 of the Maharashtra Cooperative Societies Act, 1960 (“the MCS Act”) in respect of the liability of the grandfather of the petitioners.
2. It is well settled that liability under Section 88 of the MCS Act devolves upon legal representatives only if such representatives acquire the property by way of succession.
3. The petitioners have an adequate remedy by filing an objection under sub-rule (19) of Rule 107 of the Maharashtra Cooperative Societies Rules, 1961.

4. On the filing of such objection, the Special Recovery Officer shall decide the same within twelve weeks from the date of its submission.
5. In view of the above, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)