

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

WRIT PETITION NO.6829 OF 2026

Darren Raj Chettiar

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Atul Damale i/b Mr. Kantilal Kanojia with Ms. Harshala K. and
Jyoti Kanojia for the Petitioner.

Ms. Kavita Solunke, Addl.G.P. for the Respondent-State.

Mr. Akshay Shetty i/b N. C. Associates for the Respondent No.4.

***CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATE : 15th JUNE 2026

PC. :

1. The writ petition can be disposed of with a simpliciter direction being issued to the respondent No.4-the Recovery Officer of the Sarvodaya Co-operative Bank Limited, as the learned senior counsel Mr. Damale has invited our attention to Rule 107 (19) of the Maharashtra Co-operative Societies Rules, 1961 ("MCS Rules, 1961") and upon perusal of the petition, we find that what is sought is a direction to the respondent No.4 to decide the application filed under

Rule 107 (19) of the MCS Rules, 1961. A part of Rule 107(19) which is the procedure for attachment and sale of property under Section 156 reads thus:-

“107. Procedure for attachment and sale of property under Section 156.

(19) (a) Where any claim is preferred to, or any objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the [Recovery Officer] shall investigate the claim or objection and dispose it of on merits:

***Provided** that no such investigation shall be made when the [Recovery Officer] considers that the claim or objection is frivolous.*

(b) Where the property to which the claim or objection relates has been advertised for sale, the [Recovery Officer] may postpone the sale pending the investigation of the claim or objection.

(c) Where a claim or an objection is preferred to the party against whom an order is made may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be final.”

A reading of the said provision reveal that whenever any claim is preferred to, or any objection is raised to any property which is attached on the ground that the property is not liable to be

attached, the recovery officer is under obligation to investigate such claim or objection and dispose of the same on merits.

By virtue of the proviso, however, the recovery officer is not under obligation to undertake such investigation, when he considers that the claim or objection is frivolous and in view thereof, it is for the recovery officer to consider the application filed under Rule 107(19) and take an appropriate decision in accordance with law.

2. Since we are informed that hearing of the application filed under Rule 107 (19) is scheduled before the Recovery Officer on 29th June 2026, we expect that the procedure as contemplated under Rule 107(19) shall be duly adhered to, before the property is put to auction.

Writ Petition stands disposed of accordingly.

MANJUSHA DESHPANDE, J.

BHARATI DANGRE, J.