

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

WRIT PETITION NO.3983 OF 2012

K.Vasudeo s/o K.Gundarao,
Age Major, Occu. Business,
R/o S.T. Bus stand hotel,
Parbhani

..Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary,
Co-operation and Textile
Department, Maharashtra
State, Mantralaya, Mumbai
2. The Deputy Registrar,
Co-operative Societies,
(Perseva), Marathwada Urban
Bank Co-op. Association Ltd.,
Aurangabad
3. The Parbhani Peoples
Co-operative Bank Ltd.,
Parbhani (in Liquidation),
Through its Liquidator,
Having its Head Office at
Nehru Road, Near Shivaji
Putala, Parbhani
4. Deelip s/o Sambhaji Kale,
Special Recovery Officer,
The Parbhani Peoples
Co-operative Bank Ltd.,
Parbhani (In Liquidation)
Having its Head Office at
Nehru Road, Near Shivaji
Putala, Parbhani
5. Deelip s/o Ramdas Dixit,
Age Major, Occu. Business
R/o Lokmanya Nagar,
Parbhani
6. Trimbak s/o Narayan Salgar,
Age Major, Occu. Business,
R/o Ganesh Nagar, Parbhani

.. Respondents

Mr S.S. Choudhari, Advocate for petitioner
Mr D.R. Korde, A.G.P. for respondents 1 and 2
Mr S.V. Mundhe, Advocate for respondent No.3

CORAM : N.W. SAMBRE, J.

DATE : 31st March 2015

PER COURT

1. Learned Counsel for the petitioner Mr Choudhari, upon instructions from the petitioner makes a motion for withdrawal of the petition with liberty to take recourse to alternate remedy, as available under Section 154-A of the Maharashtra Co-operative Societies Act. He would urge that the petition be disposed of as withdrawn with liberty to approach the said authority and submits that the amount deposited in this Court be transferred to the said revisional authority. According to him, the time consumed before this Court in prosecuting the present petition also be ordered to be taken into consideration while pursuing the alternate remedy.

2. Learned Counsel for the respondent No.3 Mr Mundhe seriously objects the said proposition. According to him, even if the motion for withdrawal is granted, the amount be permitted to be withdrawn by the respondent N.3 - Bank, as the same is required to be disbursed to the depositors.

3. The motion for withdrawal made by learned Counsel for the petitioner is granted with liberty as prayed for.

4. If the petitioner files revision under Section 154-A of the Maharashtra Co-operative Societies Act within a period of four weeks from today and files a purshis to that effect giving revision number to this Court, the amount deposited in this Court be immediately transferred to the revisional authority by the Registry of this Court. Failure to file such purshis within four weeks from today by the petitioner shall automatically entail the respondent No.3 - Bank to withdraw the said amount. It is made clear that no further extension will be granted.

5. It is expected of the revisional authority to consider the time consumed in prosecuting the present petition before this Court while deciding the issue of limitation.

6. Writ Petition stands disposed of as withdrawn with liberty as prayed for, in above terms.

(N.W. SAMBRE, J.)

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