

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

WRIT PETITION NO. 8617 OF 2014

Shri Ashokrao Sopan Tadvalkar & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr.Sarang Satish Aradhye for petitioners.

Mr.V.P. Malvankar, AGP – 'A' Panel for respondent nos.1, 3 to 5.

Mr.Surel Sunil Shah for respondent no.2.

**CORAM : A.S. OKA,
K.R. SHRIRAM, JJ.
DATED : 25TH AUGUST, 2015**

P.C.

1 Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the 2nd respondent. As far as prayer the (b) is concerned, the same cannot be granted as a writ of mandamus cannot be issued against the 2nd respondent. Prayers (c) to (e) are based on allegations of alleged non-compliance of certain provisions of the Maharashtra Co-operative Societies Act, 1960 (the said Act) by the 2nd respondent. The petitioners are seeking initiation of action against the 2nd respondent on the ground of alleged breach committed of the provisions of the said Act. The submission of the learned counsel for the 2nd respondent is that the documents are already made available to the petitioners and in fact the

petitioners are parties to several proceedings filed at the instance of the 2nd respondent including the proceedings under Section 138 of the Negotiable Instrument Act, 1888.

2 If according to the case of the petitioners, the 2nd respondent had committed breach of the provisions of the said Act, the remedy of the petitioners is to approach the competent authority under the provisions of the said Act. It is ultimately for the competent authority to make adjudication and decide whether any breach of the statutory provisions has been made. Keeping all the contentions on merits open and by granting liberty to the petitioners to approach the competent authority, we dispose of the petition.

3 The petition stands disposed of accordingly.

(K.R. SHRIRAM, J.)

(A. S. OKA, J.)