

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10631 OF 2014

Vitthal Balkrishna Shikhare.] ... Petitioner

Versus

The Chairman, Hon'ble P. D. Patilsaheb]
Sahakari Pani Purvatha Mandali Ltd.,]
Karad, and Ors.] ... Respondents

Mr. Ameet Palkar i/b Mr. Ramdas Shelke for Petitioner.

Mr. Dilip Bodake for Respondent No.1.

Ms. Aparna Vhatkar, A.G.P., for Respondent Nos.2 to 4.

CORAM :- M. S. SONAK, J.

DATE :- DECEMBER 16, 2015

P. C. :-

1. The challenge in this petition is to the order dated 13/05/2014 made by the Divisional Joint Registrar, Co-Operative Societies, Kolhapur Division, Kolhapur, allowing Appeal No.50 of 2014 instituted by the respondent no.1 against order dated 04/03/2014 made under Section 88 of the Maharashtra Co-Operative Societies Act, 1960 ('said Act').

2. Mr. Bodake, learned Counsel for respondent no.1 and Ms.Aparna Vhatkar, learned A.G.P. for respondent nos.2 to 4, submit that remedy of revision in terms of Section 154 of the said Act is

available to the petitioner to challenge the impugned order dated 13/05/2014.

3. Upon perusal of the provisions contained in Section 154 of the said Act, it is clear that a revision will lie to the State Government against the impugned order made by the Divisional Joint Registrar. The learned Counsel for petitioner submits that the appeal instituted by the respondent no.1 was itself not maintainable before the Divisional Joint Registrar, in view of the decision of this Court in case of *Assistant Registrar, Co-Operative Societies, Chandrapur Vs. Gurukul Griha Nirman Sahakari Bhadekaru Malki Sanstha Limited, Chandrapur*¹. At this stage, it is not necessary to decide this issue. No doubt, the petitioner would be entitled to raise this issue before the revisional authority, which shall consider the same in accordance with law and on its own merits.

4. The learned Counsel for petitioner also submitted that since he was not a party to the proceedings in Appeal No.50 of 2014, he may not be entitled to institute the revision petition. This submission is not correct. The petitioner, seems to be a person interested in this matter, as it is on basis of his complaint that action under Sections 83 and 84 of the said act came to be taken against the respondent no.1. If this be so, revision at his behest will certainly lie. At the highest, the petitioner may have to seek leave from the revisional authority to institute such revision petition. In the facts and

¹ 1993 Mh.L.J. 1688

circumstances of this case, if leave is applied for, there is no reason to apprehend that such leave will not be granted.

5. The learned Counsel for petitioner states that the petitioner will institute revision petition within a period of four weeks from today. If the petition is instituted within a period of four weeks from today, then the revision authority to give due credit to the petitioner for the period he has been pursuing this matter before this Court. Such credit shall be given when considering the application for condonation of delay involved in instituting the revision petition.

6. With the aforesaid observations, this petition is disposed of. Liberty is granted to the petitioner to institute revision petition against the impugned order. It is however made clear that this Court has not adverted to the merits of the matter and therefore all contentions of all parties are left open for decision by the revisional authority in accordance with law and on its own merits.

7. All concerned to act on basis of authenticated copy of this order.

8. Petition is disposed of accordingly.

(M. S. SONAK, J.)