

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

rrpa

WRIT PETITION NO.11041 OF 2012

Madhav K. Rayate

.. Petitioner

Vs.

The Liquidator

Karamveer Kakasaheb Wagh Sahakari

Sakhar Karkhana Ltd., Niphad & Ors.

.. Respondents

....

Mr.Anilkumar Patil a/w. Mr.Pankaj Pandey, Advocate for the
Petitioner.

Mr.Manoj Badgujar i/b. MrMankapure, Advocate for Respondent
No.2.

Mr.A.R. Matkari, AGP for Respondents- State.

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CORAM : A.P. BHANGALE, J.

DATED : MARCH 20, 2015.

P.C. :

Heard.

2 The petition has been objected on the ground of its
maintainability according to law, as according to learned Advocate for
respondent an Assistant Government Pleader representing Respondent
Nos.3 and 4, there is alternative efficacious remedy of Revision
statutorily provided under Section 154 Sub Section (2) as order which

is impugned by the petitioner was passed by the Regional Director of Sugar. With the assistance of learned advocates and the learned Assistant Government Pleader appearing before the Court, I went through the impugned order which was passed on 19th June, 2012 under Section 107 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as the 'Act', for short), Regional Joint Director (Sugar) and Additional Registrar Co-operative Society Ahmednagar in exercise of powers under Section 107 of the said Act was pleased to reject an application dated 26th December, 2011, filed by the petitioner with prayer for to impleade the liquidator, as party respondent. By the impugned order, petitioner was directed to lodge a complaint which the petitioner may have to the liquidator concerned who can take steps under Section 105 of the Act. Section 105 of the Act relates to powers of liquidator to take up appropriate proceedings in accordance with law, without the right to vote on behalf of the Society in liquidation at the election of the members of the committee or of officers of any other society. The petitioner approached this Court under Articles 226 and 227 of the Constitution of India with prayer for setting aside the impugned order passed by the Regional Joint Director (Sugar) and Joint Registrar Co-operative Societies, Ahmednagar. It cannot be disputed that when the alternative and efficacious statutory remedy is available, as prescribed under Section

154(2) of the Act in this case, and when as against the decision or order passed by the Additional Registrar or a Joint Registrar, Revision is maintainable to the State Government, the petitioner could have adopted and exhausted statutory alternative remedy, as prescribed under Section 154(2) of the Act. That being so, the petitioner is at liberty to adopt appropriate proceedings for challenging the order by Revision, as permitted under Section 154(2) of the Act. I am, therefore, not inclined to exercise the extra ordinary writ jurisdiction. Hence, petition is dismissed. No order as to costs.

3 It is clarified that no adjudication is made on merits of the contentions in the writ petition.

4 All contentions on merits are kept open.

(A.P. BHANGALE, J.)