

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4030/2015

Gajanan s/o Namdev Nirmal

...Versus...

District Deputy Registrar, Buldhana, Distt. Buldhana and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.S. Warulkar, Advocate for petitioner
Shri A.S. Fulzele, AGP for respondent nos.1 and 2
Shri S.J. Kadu, Advocate for respondent no.3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 03.09.2015

By this petition, the petitioner impugns the notice issued by the Recovery Officer under Rule 107 of the Maharashtra Co-operative Societies Rules, 1961.

A preliminary objection is raised by the respondents to the tenability of the writ petition on the ground that the petitioner has an alternate remedy under the provisions of the Maharashtra Co-operative Societies Act for challenging the notice. It is stated that the recovery certificate is issued against the petitioner under Section 101 of the Act and the petitioner had participated in the said proceedings. It is stated that if the petitioner is aggrieved by the issuance of the recovery certificate under Section 101 of the Act and the proceedings initiated in furtherance thereof, the petitioner can as well challenge the order in revision under Section 154 of the Act.

We uphold the preliminary objection raised on behalf of the respondents and refuse to entertain the writ petition.

We dispose of the writ petition with no order as to costs. The points raised in the petition are kept open. The petitioner is permitted to withdraw the amount of Rs.50,000/- (Fifty Thousand Only) deposited in this Court.

JUDGE

JUDGE

Wadkar