

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 2924 OF 2016

Kiran Jagannath Khadke,
Age-54 Years, Occu:Business,
R/o-428, Vitthal Peth, Jalgaon,
Tq. and Dist-Jalgaon,

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through the Secretary,
Co-operative Department
Mantralaya, Mumbai,
- 2) Commissioner for Co-operation,
Co-operative Department,
Mantralaya, Mumbai,
- 3) District Deputy Registrar,
Co-operative Societies, Jalgaon,
Dist-Jalgaon,
- 4) Sahakar Mitra Shri. Chandrakant Hari
Badhe Sir Urban Co-operative Credit
Society Ltd., Varangaon,
Tq-Bhusawal, Dist-Jalgaon,
Through Its Liquidator.

...RESPONDENTS

...

Mr. G.V. Wani, Advocate for Petitioner.
Mr. A.G. Magare, A.G.P. for Respondent
Nos. 1 to 3

...

**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 14TH MARCH, 2016

ORDER :

1. Mr. Wani, learned Counsel for the Petitioner states that the dispute filed by the Petitioner under Section 91 of the Maharashtra Co-operative Societies Act, 1960, bearing Dispute No. 184 of 2008 has been allowed by the Co-operative Court on 11th December, 2009 and it is declared that the claim of loan amount made by the opponent No. 1 Society i.e. present Respondent No. 4 is illegal and that the Disputant i.e. present Petitioner has not received any amount from the alleged loan transaction and the said Society is restrained from claiming any amount. Learned counsel submits that the said Judgment and order has become final. The learned counsel submits that earlier the Petitioner had filed Writ Petition No. 6507 of 2013 seeking directions against the Respondent

Society to supply documents as prayed therein. This Court vide order dated 16th April 2015, in Writ Petition No. 6507 of 2013, had accepted the statement that the liquidator and the society would hand over copies of those documents to the Petitioner within two weeks. Learned counsel submits that documents pursuant to which charge is created on property, are not given to the Petitioner.

2. We have heard the learned A.G.P.

3. If the Petitioner is aggrieved by the charge being created on his property without any enforceable documents and that the Judgment of the Co-operative Court is in his favour, then the Petitioner has remedy with the appropriate authority, either to make an application with the said authority or file appeal under Section 247 of the Maharashtra Land Revenue Code.

4. In light of that the Petitioner may take up appropriate steps. If such steps are taken, the authority shall consider the application / appeal of the Petitioner in accordance with the law and on its own merits.

5. Writ Petition accordingly disposed of. No costs.

[A.I.S.CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]