

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 969 OF 2016

SHRI. BHALBHIM T. MALWANKAR.,	... Petitioner
Versus	
STATE OF GOA, THR. CHIEF SECRETARY AND 5 ORS.,	... Respondents

Shri Valmiki Menezes, Advocate for the petitioners.
Shri D. Shirodkar, Addl. Govt. Advocate for the respondents no.1 to 3.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 10th October, 2016

P.C.

Heard Shri V. Menezes, learned Advocate for the petitioner and Shri D. Shirodkar, learned Advocate for the respondents no.1 to 3.

2. Shri D. Shirodkar, learned Addl. Govt. Advocate points out that the challenge in the above petition is to the resolution of no confidence passed against the petitioner which is amenable to an appeal under Section 114A of the Goa Co-operative Societies Act, 2001 (hereinafter referred to as "the Act" for short).

3. Shri V. Menezes, learned Advocate points out that the petitioner is also entitled to challenge the notice issued under Section 59A of the said Act.

4. As the petitioner admittedly has an alternate efficacious remedy to raise a challenge to the no confidence motion in question as well as the notice, there is no reason to interfere in our extra ordinary

jurisdiction under Article 226 of the Constitution of India. Reserving the right of the petitioner to avail of an alternate remedy in accordance with law, we disposed off the above petition. Needless to say that all the contentions of both the parties are left open. If such proceedings are filed by the petitioner, the Appellate Authority shall disposed off such appeal as expeditiously as possible and in any event within three months from the date of the receipt of such appeal.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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