

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7820 OF 2016

Shivaji D. Patil .. Petitioner
vs.
Regional Joint Director (Sugar) and ors. .. Respondents

Mr. S.S. Patwardhan i/b Mr. Chetan Patil for the Petitioner.
Mr. S.D. Rayrikar, AGP for Respondent No.1.
Mr. Sugandh Deshmukh i/b Mr. Tanaji Mhatugade for Respondent No.3.
Mr. Shardul Singh i/b Mr. Sarthak Diwan for Respondent Nos.4 to 22.

CORAM : M. S. SONAK, J.
DATE : 19 OCTOBER 2016.

P.C. :-

1] The challenge in this petition is to the notice dated 7 April 2016 issued by the Regional Joint Director (Sugar)-respondent No.1, requiring the petitioner to show cause as to why an enquiry under Section 83 of the Maharashtra Cooperative Societies Act, 1960 (said Act) be not taken up against the petitioner.

2] Even according to the petitioner, as against such notice, the petitioner has an alternate remedy of instituting a revision petition under Section 154 of the said Act. However, Patwardhan, learned counsel for the petitioner, reiterates the objection set out in paragraph '9' of the petition and submits that it would be quite futile

to require the petitioner to institute a revision petition. He submits that the very issuance of the impugned notice is at the behest of the political party, which is presently in power. He submits that the revision lies before the Minister (Cooperation), who is member of the very same political party. On this ground, the doctrine of bias is purported to be invoked. Further, Mr. Patwardhan also submits that the very issuance of impugned notice is without jurisdiction, there is no bar to entertain the present petition.

3] Having considered the submission of Mr. Patwardhan and perused the record, I am not satisfied that this is a fit case to directly entertain the present petition. The petitioner has an alternate and statutory remedy available to him. The issue of alleged bias, can always be kept open. However, the nature of case is not such that this Court should entertain the present petition directly without requiring the petitioner exhaust the alternate remedies available to him.

4] Accordingly, this petition is dismissed. However, the petitioner is granted liberty to avail the alternate remedy under the provisions of the said Act. All contentions of all parties are specifically kept

open. It is clarified that this Court has not examined the matter on merits.

5] Since, the limited ad-interim relief of not proceeding with the enquiry was in operation till date, the same is extended by a period of four weeks from today. It is made clear that the interim order has not been granted on merits and therefore, on mere ground that this interim order is extended, the petitioner shall not, without making out a case for interim order, be entitled to any further extension.

6] It is further clarified that this interim protection is only *qua* the present petitioner and not any other person and/or persons, though they may have been also issued similar notice or for that matter the same notice.

7] This petition is accordingly, dismissed with liberty as aforesaid. There shall be no order as to costs.

(M. S. SONAK, J.)