

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

WRIT PETITION STAMP NO.34267 OF 2016

**Rachna Sarvajanik Baandhkam
Karmachari Sahakari Sanstha
Maryadit and others**

..Petitioners

Versus

The Divisional Jt. Registrar and others

..Respondents

Mr. S. S. Shah for the Petitioners.

Mr. S. H. Kankal, AGP for the Respondent No.1.

Mr. C. G. Patil for the Respondent Nos.3 & 4.

CORAM : R. M. SAVANT, J.

DATE : 19th DECEMBER, 2016

PC.

1 The order dated 07.12.2016 passed by the Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune rejecting the Appeal No.105 of 2015 is taken exception to by way of the above Petition. The said Appeal was directed against the order dated 09.10.2015 passed by the Assistant Registrar of Co-operative Societies, Solapur, under Section 73(1)(1AB) and 77A of the Maharashtra Co-operative Societies Act, 1960, thereby appointing an authorized officer to take charge of the administration of the Petitioner society.

2 The Learned Counsel appearing on behalf of the Respondent Nos.3 and 4 herein raises a preliminary objection as regards the

maintainability of the Petition on the ground that a remedy by way of a Revision is available to the Petitioners before the State Government. In so far as the said remedy is concerned, the Petitioners have expressed an apprehension which is reflected in paragraphs 4.14 and 4.15 of the Petition. The gist of the averments is that the remedy by way of a Revision may not be alternate efficacious remedy available to the Petitioners in view of the fact that the Appeal has been disposed of at the instructions of the Respondent No.8 itself i.e. the Appellate Authority and therefore they apprehend that they would not get justice and the second ground mentioned is that the Respondent Nos.3 and 4 herein were Executive Engineers under whom the Respondent No.8 i.e. the Appellate Authority who was then a contractor was executing road contracts and that the Respondent No.8 has obliged the Respondent Nos.3 and 4 by taking action against the Petitioner society.

3 This Court does not deem it necessary to enter into the said controversy which would unnecessary divert the focus from the main controversy. The said aspect can obviously be gone into at the appropriate stage. This Court would proceed on the basis that the Revisionary Authority would act in accordance with law and render justice accordingly. With the said hope, the Petitioners are relegated to the remedy by way of a Revision under Section 154 of the Maharashtra Co-

operative Societies Act, 1960.

4 Upon this, the Learned Counsel appearing for the Petitioners states that a Revision Application would be filed within two weeks from date.

5 The Revisionary Authority is directed to hear and decide the Revision as per its convenience. Pending the Revision, the impugned order dated 07.12.2016 would stand stayed. In the event, the Revision Application is decided against the Petitioners, the order would not be given effect to for a period of two weeks after the receipt of the same by the Petitioners. With the aforesaid directions, the Writ Petition is disposed of.

6 Needless to state that the contentions of the parties are kept open for being urged before the Revisionary Authority.

[R.M.SAVANT, J]