

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION {L} NO.3167 OF 2016

Oriental Bank of Commerce	 Petitioner
Vs.	
Dy. Registrar, Co-operative Housing Society, P-Ward, Mumbai & Others	 Respondents

Mr. Ravikumar Varanasi with Mr. Deepak Rane i/by
M/s. Ravikumar Varanasi & Co. for the Petitioner.
None for the Respondents.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : DECEMBER 06, 2016

P.C:

1. The Oriental Bank of Commerce has challenged the attachment of an immoveable property.
2. The attachment is levied pursuant to a Certificate under Section 101 issued by the Registrar or his delegate in terms of the Maharashtra Co-operative Societies Act, 1960.
3. There is a complete procedure for attachment and

sale of a property in execution of the Recovery Certificate. The Maharashtra Co-operative Societies Rules, 1961 enables raising of an objection to this attachment and the consequential sale of the immoveable property in execution of such Recovery Certificate. The powers under Section 156 of the Maharashtra Co-operative Societies Act, 1960 are sought to be exercised. We do not see how the petitioner can rush to the High Court and claim to be aggrieved by the attachment. The petitioner ought to be aware that the Maharashtra Co-operative Societies Act, 1960 confers revisional powers vide Section 154 on the State Government and the Registrar. All that the revisional powers and in terms of the above provision contemplate is before exercise thereof the aggrieved revisional applicant would have to ensure that 50% of the amount under the Recovery Certificate is deposited with the concerned Society.

4. When these are the remedies provided by the Maharashtra Co-operative Societies Act, 1960 and the factual dispute involved, we do not think that the writ petition should be entertained. We are not inclined to entertain this writ petition

in the light of the alternate and equally efficacious remedy. The writ petition is, therefore, dismissed subject to the above.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)