

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2174 OF 2016

(Damodar Maharaj Matsya Vyavsay Sahakari Sanstha Vs. State of Maharashtra & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V. N. Patre, Advocate for the petitioner.
Ms T. H. Udeshi, A.G.P. for respondent Nos. 1 to 4.
Shri H. R. Gadhia, Advocate for respondent No.5.

CORAM : S. B. SHUKRE, J.

DATED : 05 MAY, 2016

Heard.

Learned A.G.P. as well as learned Counsel for respondent No.5 state that the order impugned in this case has been passed under Section 21-A of the Maharashtra Co-operative Societies Act, 1960 against which right of appeal under Section 152 of the said Act has been provided. Therefore, both of them maintain that this petition is not maintainable before this Court.

According to the learned Counsel for the petitioner, remedy in the nature of appeal under Section 152 of the Act in this particular case could not have been effective as the Hon'ble Minister, on a complaint filed before him regarding de-registration of the society of the petitioner, had passed an order that enquiry be conducted and its report be submitted to him. He submits that because of such an order, the petitioner apprehended that he would not have got any justice if he had chosen to approach the Hon'ble Minister by filing appeal under

Section 152 of the Act.

However, all these averement are not stated in this petition. What is pleaded in the petition is that there is no alternate efficacious remedy available for redressal of grievance of the petitioner. Since, the petition does not contain any material pleadings, giving reason for approaching this Court by invoking remedy under Article 227 of the Constitution and also the alternate remedy is available to the petitioner under Section 152 of the Act, writ petition deserves to be dismissed and it is dismissed accordingly. No costs.

Liberty is granted to the petitioner to approach the Hon'ble Minister under Section 152 of the said Act.

Learned Counsel for the petitioners submits that there has been violation of principles of natural justice in this case. However, this contention cannot be accepted because the petitioner himself has submitted his reply in the matter and as per the *roznama* at page 66, it is seen that the petitioner gave up his right of oral argument. However, the petitioner can agitate this issue before the Hon'ble Minister and liberty is given to him for raising this issue also. All contentions on merits of the case are kept open.

JUDGE