

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

WRIT PETITION NO.5526 OF 2014

(Mohd. Ameen Mohd. Gulab

vs.

The Divisional Joint Registrar, Co-operative Society, Amravati and others)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 5th FEBRUARY, 2016.

Heard Shri R.D. Karode, learned Advocate for the petitioner and Shri V.P. Gangane, learned Assistant Government Pleader for respondent Nos.1 and 2.

The petitioner has challenged the order passed by the Divisional Joint Registrar, Co-operative Societies dismissing the revision application filed by the petitioner for non-compliance of the provisions of Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960, which lays down that the revision application shall not be entertained against the recovery certificate issued by the Registrar under Section 101 of the Maharashtra Co-operative Societies Act, 1960, unless 50% of the amount of recoverable dues is deposited.

Shri Karode, learned Advocate for the petitioner states that the recovery certificate issued by the Registrar under Section 101 of the Maharashtra Co-operative Societies Act, 1960

is illegal and cannot be accepted, as the enquiry, as required by Rule 86A of the Maharashtra Co-operative Societies Rules, 1961 has not been undertaken. It is further submitted that as per the instructions given by the petitioner, an amount of Rs.50,000/- has been deposited with the bank.

Considering the facts of the case and accepting the submission that Rs.50,000/- has been deposited by the petitioner with the bank, it is directed that if the petitioner deposits further amount of Rs.1,00,000/- with the bank within one month, the impugned order passed by the Divisional Joint Registrar shall stand set aside and the Divisional Joint Registrar shall hear the revision application filed by the petitioner on merits. If the petitioner fails to deposit the amount of Rs.1,00,000/- with the bank within one month, the impugned order shall stand.

The petition is disposed in above terms. In the circumstances, the parties to bear their own costs.

JUDGE

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