

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3416 OF 2017

SHASHANK JAGANNATH JOSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Shri Talhar Ajay G.
AGP for Respondents/ State : Shri S.K.Tambe.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 22nd August, 2017

Per Court:

1 The Petitioners are aggrieved by the order dated 20.01.2016 passed by the Divisional Joint Registrar, Cooperative Societies, Nashik in the appeal preferred by the Petitioners under Section 152(1) of the Maharashtra Cooperative Societies Act, 1960 (for short "the MCS Act").

2 The learned AGP points out that considering the effect of Section 152(4) of the MCS Act, the Petitioners can avail of the statutory revisional remedy under Section 154 by filing a revision petition.

3 The learned counsel for the Petitioners submits that after the impugned order was passed and during the pendency of this petition, the entire amount sought to be recovered from the Petitioners, has already been recovered from the Society in which the Petitioners were alleged to have deposited the said amount. Even the fees of the Enquiry Officer as demanded have been paid by all the Petitioners.

4 I find that an order on an appeal passed under Section 152 of the MCS Act by the Registrar or Additional Registrar or Joint Registrar, as the case may be, is final and no further appeal is maintainable. However, Section 152(4) of the MCS Act provides for such cause of action to be subject to revision provisions under this Act. Section 154 of this Act provides for the revisionary powers of the State Government.

5 Considering the above and in the light of the objection of the learned AGP, I deem it proper to relegate the Petitioners to the remedy of filing a revision petition under Section 154 of the MCS Act.

6 In the light of the above, this Writ Petition is disposed of with liberty to the Petitioners to avail of the revisional remedy under Section 154.

7 Time spent by the Petitioners in this Court from 08.09.2016 till the passing of this order today, shall be a ground for condonation of delay.

8 Needless to state, this Court has not considered this petition on its merits and hence, if the Petitioners avail of a revisional remedy, the revisionary authority shall consider the same on its own merits.

9 The learned counsel for the Petitioners submits that he would prefer such revision petition within four weeks from today.