

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

WRIT PETITION STAMP NO.33611 OF 2016

Sanjay Ganpati Patil : Petitioner.
versus
State of Maharashtra
Through Department of Cooperation & ors. : Respondents.

Mr. Abhijeet Kadam i/by Mr. V R Gaikwad for the Petitioner.
Mr. S D Rayrikar, AGP, for the Respondent Nos.1 to 3.
Mr. P S Dani, Senior Advocate, i/by Mr. D B Shinde for the Respondent No.4.

CORAM : R. M. SAVANT, J.
DATE : 22nd March 2017

P.C.

1 The above Writ Petition seeks to challenge the order dated 16/12/2015 passed by the Deputy Registrar, Co-operative Societies, Satara, Dist. Satara. By the said order a certificate under Section 101 of the Maharashtra Co-operative Societies Act (for short “the said Act”) came to be issued in favour of the Respondent No.4 Bank which in the sum of Rs.1,03,53,186/-. The said certificate was challenged by the Petitioner by filing a revision under Section 154 of the said Act before the Divisional Deputy Registrar, Kolhapur Division, Kolhapur. The said revision came to be dismissed by the Divisional Deputy Registrar by the order dated 09/09/2016 on the ground that the Petitioner had failed to comply with Section 154(2A) of the said Act in the matter of making the pre-deposit i.e. the deposit of 50% of the amount under the certificate issued by the Deputy Registrar, Co-operative

Societies, Satara. The Petitioner challenged the said order by filing Writ Petition No.11827 of 2016 in this Court. The said Writ Petition was withdrawn by the Petitioner on 01/12/2016 in view of formal defects with liberty to file a fresh Petition. The Petitioner has thereafter filed the instant Petition. However, in the instant Petition the Petitioner seeks to lay a challenge to the certificate issued under Section 101 of the said Act by the Deputy Registrar, Co-operative Societies, Satara.

2 In my view filing of the Petition challenging the certificate under Section 101 of the said Act is not permissible in view of the fact that the Petitioner had already adopted a remedy by way of revision under Section 154 of the said Act before the Divisional Joint Registrar, Kolhapur Division, Kolhapur and the Petitioner had challenged the order passed by the Divisional Joint Registrar by way of Writ Petition No.11827 of 2016 which he has withdrawn. Hence the preliminary objection raised by the learned Senior Counsel Shri P S Dani on behalf of the Respondent No.4 as regards the maintainability of the above Petition would have to be sustained. The above Writ Petition is disposed of as being not maintainable.

3 If the Petitioner deposits 50% of the amount of Rs.1,03,53,186/- covered by the certificate in compliance of Section 154(2A) of the said Act within four weeks from date with the Respondent No.4, the revision

application which has been dismissed by the Divisional Deputy Registrar by the order dated 09/09/2016 would stand revived and would be dealt with by the Divisional Joint Registrar on its own merits and in accordance with law.

[R.M.SAVANT, J]