

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

WRIT PETITION NO. 591 OF 2018

GOKUL AMRUT PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri V.B.Jadhav h/f Shri Hon Ashwin V.
AGP for the Respondents/ State : Shri V.S.Badakh.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th January, 2018

Per Court:

1 This matter was heard on 24.01.2018 and the following order
was passed :-

- "1. *This matter is heard for sometime.*
2. *The thrust of the petitioners' case is that for initiating an enquiry under Section 88 of the Maharashtra Cooperative Societies Act, the Registrar has to be satisfied on the basis of the material gathered in a proceeding under section 81 or 83 or 84 or winding up of the Society under Section 105 or on the basis of the report made by the Auditor or the person authorized to make enquiry under Section 83 or the person authorized to inspect the books under Section 84 or the Liquidator under Section 105, that an enquiry under Section 88 can be initiated.*
3. *After due consideration, prima facie, I find that the Registrar can initiate an enquiry under Section 88 on any material available before him otherwise than the proceedings mentioned under Section/s 81, 83, 84 or 105, keeping in view the term "otherwise" mentioned in Section 88.*

4. *Learned counsel for the petitioners submit that he will take instructions as to whether the petitioners desire to pursue this petition.*
5. *S.O. to 25.1.2018 at 2.30 PM to enable the petitioners to make a statement.”*

2 The learned Advocate for the Petitioners submits, on instructions, that the Petitioners desire to withdraw this petition and avail of a remedy as may be permissible in law.

3 Considering the order passed on 24.01.2018 and the statement made on instructions, this Writ Petition is disposed of as withdrawn with liberty to avail of a remedy as may be permissible in law.

kps

(RAVINDRA V. GHUGE, J.)