

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

WRIT PETITION NO.5403 OF 2017

ASHOK SITARAM SONAWANE
VERSUS
THE ASSISTANT REGISTRAR CO OPERATIVE SOCIETIES AHMEDNAGAR
AND OTHERS

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Advocate for the Petitioner : Shri More Abhijit S..
AGP for Respondent 1 : Shri S.K.Tambe.
Advocate for Respondents 2 and 3 : Smt.M.D. Thube-Mhase.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th December, 2018

Per Court:

1 The Petitioner has directly approached this Court by challenging the certificate issued by the Recovery Officer under Section 101 of the Maharashtra Cooperative Societies Act, 1960 dated 23.11.2016.

2 Under section 154 of the MCS Act, 1960, a statutory efficacious remedy is available to the litigant, who seeks to challenge such a recovery certificate. Compliance of sub-section (2A) of Section 154 of the MCS Act, 1960 is the mandate of law. In these circumstances, a litigant, who has a statutory remedy available, is not to be permitted to bypass such remedy and approach this Court under its supervisory

jurisdiction merely because he may intend to avoid the statutory deposit.

3 The contention of the Petitioner is that Rule 86(C)(2) of the Maharashtra Cooperative Societies Rules, 1961 has been violated. I do not find any bar under the MCS Act or the Rules made thereunder, which would restrain or preclude the Revisional Authority from considering the grievance as regards the non compliance of Rule 86(C)(2).

4 As such, this Writ Petition is disposed of.

5 In the event, the Petitioner prefers a revision petition under Section 154 within three weeks from today, the time spent by the Petitioner in this Court from 06.04.2017 until three weeks from today, would be a ground for condonation of delay.

kps

(RAVINDRA V. GHUGE, J.)