

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10129 OF 2015
WITH CA/4157/2017 IN WP/10129/2015
WITH CA/901/2018 IN WP/10129/2015

SUMANT BHIMRAO MULEY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Thombre Bhagwan V.
AGP for Respondents 1 & 2 : Shri Tambe S.K.
Advocate for Respondent 3 : Shri Kolpe Mahendra B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 26, 2018
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PER COURT :-

1. The petitioner has directly challenged the Recovery Certificate dated 2.7.2014, issued under Section 101 of the Maharashtra Cooperative Societies Act, 1960.

2. On the one hand the petitioner contends that he had never taken any loan. On the other hand, learned counsel for respondent No.3 points out that when the petitioner obtained loan, it was only assured by an undertaking that equated monthly installments would be paid by the factory by debiting the said amount to the bills of the petitioner. Disputed questions cannot be gone into by this Court in writ jurisdiction.

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3. This Court has extensively dealt with the remedy under Section 154 read with Sub-section 2A in Ramesh Chudaman Badgujar Vs. State of Maharashtra and others [2015 (2) Mh.L.J. 542], and has concluded that it is a statutory remedy available.

4. Considering the above, this petition is disposed off. The petitioner would be at liberty to avail of the remedy under Section 154 read with sub-section 2A. The time spent in this Court from 14.8.2015 till the passing of this order would be a ground for considering condonation of delay.

5. While dealing with sub-section 2A after the petitioner lodges his revision petition, the revisional authority would consider the amount of Rs.50,000/- deposited by this petitioner with the Bank as is noted in the order dated 4.3.2016.

6. Pending Civil Applications do not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)

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