

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.869 OF 2018

Mallikarjun Devappa Alakunte & Anr. Petitioners.

Versus

State of Goa through its
Chief Secretary & ors. Respondents.

Mr. Nikhil Pai with Ms. Aishvarya Varma, Advocate for the
Petitioners.

Mr. Rajesh Shirodkar, Additional Govt. Advocate for Respondents
No.1 to 3.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 3 September 2018.

P.C.:

The Petitioners have sought to challenge the Judgment and Award dated 29 March 2018, passed by the Registrar of Co-operatives Societies, Goa. There is an alternate efficacious remedy available to the Petitioners to challenge the said Judgment and Award, yet the Petitioners have approached this Court by invoking extraordinary original jurisdiction.

2. The contention of the Petitioners, husband and wife, is that they were not aware that loan was applied in their names. They

sought to project before us that they are uneducated and ignorant. However, we note that the Petitioner No.1 had made a representation in English and has in fact stated that he has a business in Chhatisgarh area and the total cost involved there is approximately 40 crores. It is not possible to believe the theory that the Petitioner No.1, who is a businessman, is a simple and uneducated to be misled in respect of the money transactions. It is not possible to accept the convenient stand of the Petitioners that they are unaware of the above loan. The Petitioners are not being candid to the Court. In view of this conduct, they are not entitled to invoke the extraordinary jurisdiction of this Court. In any case, alternate remedy is available to the Petitioners and it is open for them to avail of such remedy.

4. The Writ Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.