

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5513 OF 2019

Anil s/o Ramnarayanji Lahoti

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.R.Patil, advocate for the petitioner.

Mr.S.R.Yadav, AGP for the Respondents No.1 to 3.

Mr.V.P.Patil, advocate for Respondent No.4.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 07th August, 2019

PER COURT:

1 The petitioner has approached this Court for challenging the Recovery Certificate dated 06.02.2007, issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 and the auction sale dated 25.04.2019.

2 The petitioner has a statutory remedy of approaching the Revisional authority under Section 154 (2A) of the Act. I do not deem it appropriate to entertain this petition, since a statutory remedy with pre-deposit provision would specifically apply to the case of the petitioner. Filing of the petition in this Court, to avoid such a pre-deposit, needs to be deprecated.

3 The learned Vacation Judge of this Court had passed an order on 24.05.2019 granting liberty to the petitioner to avail of the statutory remedy. Despite this, the petitioner has not chosen to avail of the said remedy.

4 In view of the above, this petition stands dismissed.

5 In the event the petitioner desires to approach the revisional authority under Section 154 read with sub-section (2A) of the Act, the time spent by the petitioner in this Court, from 02.05.2019 till the passing of this order, shall be considered as a ground for condonation of delay.

RAVINDRA V. GHUGE
JUDGE

adb/