

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8434 OF 2019

VENKATESH MANOHARRAO VAKRANI
VERSUS
THE LATUR URBAN CO OPERATIVE BANK LTD.

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Advocate for Petitioner : Shri Deshmukh Sachin S.
Advocate for Respondents 1 & 2 : Shri Kulkarni Girish N. (Mardikar)
AGP for Respondent 3 : Shri Yadav-Lonikar S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 28, 2019

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PER COURT :-

1. The petitioner seeks to challenge the order dated 14.5.2019, delivered by the Divisional Joint Registrar, Cooperative Societies, Latur, by which, Revision No.30 of 2019 has been rejected.

2. The learned Advocate for the petitioner frankly points out from the prayer clause (3) of the revision application No.30 of 2019 that he had actually challenged the auction sale before the District Registrar, Cooperative Societies, Latur, by filing a Review Application under Section 154 of the Maharashtra Cooperative Societies Act ("the said Act"). The matter was referred to the Divisional Joint Registrar, Cooperative Societies, Latur, which is the appropriate authority under Section 154 of the said Act.

3. Under Rule 107(14) of the Maharashtra Cooperative Societies Rules, 1961, the petitioner has a statutory remedy of approaching the District Deputy Registrar, Cooperative Societies, Latur, for challenging the auction sale.

4. I find that the Honourable Apex Court has recently taken a view in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [(2019) SCC ONLINE SC 1292], that the existence of a statutory remedy is "Near Total Bar" for exercising supervisory jurisdiction by the High Court under Article 227 of the Constitution of India. In yet another order, delivered on 22.11.2019 by the Honourable Apex Court, in the matter of Genpact India Private Limited Vs. Deputy Commissioner of Income Tax - Civil Appeal No.8945 of 2019, decided on 22.11.2019, it has been held that even an admitted petition will have to be dismissed in the wake of a statutory remedy available.

5. In view of the above, this petition is disposed off with liberty to the petitioner to avail of the statutory remedy. The time spent by the petitioner in this Court from 4.7.2019 till the passing of this order shall be a good ground for condonation of delay, if any. The petitioner had approached the Divisional Joint Registrar, Cooperative Societies, Latur, within limitation.

6. Needless to state, as the petitioner would be availing of the statutory remedy, all contentions of the litigating parties are kept open and the concerned authority would not be influenced by any observations made in any proceedings, which are the off-shoot of the proceedings before him.

(RAVINDRA V. GHUGE, J.)

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