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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5367 OF 2019

Shree Amar Sakharam Khavnekar

..Petitioner.

V/s.

The Chairman of Bhandari Co-op.Bank Ltd. & Ors. ..Respondents.

Mr.Vilas Mali the petitioner.

Mr.Ajay David for respondent Nos.1 & 2.

Mr.S.S. Panchpur, AGP for respondent nos. 3 & 4.

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 11, 2019

P.C.

Pursuant to the provisions of Sub-Section 20 of Section 2 of The Maharashtra Co-operative Societies Act, 1960 (Hereinafter referred to as 'the said Act') petitioners claim to be officers who were proceeded against under Section 88 of the said Act.

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It is informed by learned counsel for the petitioner that

pursuant to the order of recovery passed under Section 88 of the Act, process of attachment of the property of the petitioner is already initiated. petitioner is not required to create third party interest.

3. The petitioner invited attention of this Court to the order dated December 14, 2018 passed in Writ Petition No.13954 of 2018 in the matter of *Sharad Bharat Kandalkar Vs. Commissioner for Co-Op. and Reg. of Co-Op. Societies and Ors.* so as to claim that against the very same order under Section 88 of the Act, an appeal is pending before the State Government. This Court has directed the State Government to decide the appeal within period of three months.

4. Learned counsel submits that till the appeal is decided, the Competent Authority is restrained from acting on the order of recovery passed under Section 88 of the said Act by this Court. As such, prayer is for grant of similar relief.

5. Learned counsel for the respondents oppose the claim of the petitioner whereas the learned AGP seeks time to take instructions.

6. Since this Court is passing an innocuous order, similar to one passed in Writ Petition No.13954 of 2018, the petition is disposed

of with following order to cater the interest of the parties to the petition in the interest of justice.

7. The State Government shall decide the appeal of the petitioner, if so pending within period of three months from the date of his first appearance from today and till such time, no coercive action be taken against the petitioner in the matter of execution of recovery ordered under Section 88 of the said Act.

(NITIN W. SAMBRE, J.)