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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6276 OF 2019

Ratilal Pitamber Bhole .....Petitioner

V/s.

State of Maharashtra through its Secretary and others .....Respondents

Mr. Avinash H. Fatangare i/b Vishakha Pandit the Petitioner
Mr. Ajay David for respondent nos. 3 & 4
Mr. S. D. Rayrikar AGP for respondent nos. 1 & 2.

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 7, 2019.

P.C.

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

2 It is informed by the learned counsel for the petitioner that pursuant to the order of recovery passed under Section 88 of the

Corrected pursuant to the speaking to the minutes order dated 13/06/2019.

Act, process of attachment of the property of the petitioner is already initiated. Petitioner is not required to create third party interest.

3 Petitioner invited attention of this Court to the order dated 14/12/2018 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 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 The learned counsel submits that till appeal is decided, 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 The learned counsel for the respondent opposes the claim of the petitioner whereas the learned AGP seeks time to take instructions.

Corrected pursuant to the speaking to the minutes order dated 13/06/2019.

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 3 months from the date of their 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.]

Corrected pursuant to the speaking to the minutes order dated 13/06/2019.