

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11044 OF 2019

Abdul Rashid A. Khaliq ... Petitioner
Vs.
Special Recovery and Sales Officer and others ... Respondents

Mr. Amit Kate for Petitioner.
Mrs. V. S. Nimbalkar, AGP for Respondent Nos.1 and 2-State.
Mr. M.A.Vaid a/w. Ms Vidhya N. Shet i/b.Vaid Associates for
Respondent Nos.3 and 4.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 18, 2019

P.C. :

Heard Mr. Kate, learned counsel for the petitioner; Mrs. Nimbalkar, learned AGP for respondent Nos.1 and 2-State; and Mr. Vaid, learned counsel for respondent Nos.3 and 4.

2. This petition challenges recovery certificate dated 31.08.2017 issued by the Assistant Registrar of Co-operative Societies, 'E' Ward, Mumbai whereby it has been held that petitioner is liable to pay principal amount of Rs.1,23,248.00 with interest from 01.04.2014 till its realization to respondent No.4.

3. This recovery certificate has been issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960.

4. Admittedly, there is statutory remedy under Section 154 of the Maharashtra Co-operative Societies Act, 1960, which the petitioner has not availed.

5. When there is statutory alternative remedy, Court is of the view that the same should be availed of first before invoking the writ jurisdiction. In such circumstances, Court is not inclined to entertain the

writ petition. However, liberty is granted to the petitioner that if so advised, he may avail the remedy as provided under Section 154 of the Maharashtra Co-operative Societies Act, 1960.

6. Subject to the above, writ petition is dismissed.

(UJJAL BHUYAN, J.)

Minal Parab