

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 836 OF 2019

Baljit Kaur

...Petitioner

vs

State of Maharashtra & Anr.

...Respondents

Mr.Madhur Rai with Balraj Kulkarni I/b. PRS Legal for Petitioner.

Mr.Himanshu Takke, AGP for State.

CORAM : S.C.GUPTE, J.

DATE : 15 MARCH 2019

P.C. :

This writ petition challenges an order passed by a Special Recovery Officer under Rule 107(19) of the Maharashtra Co-operative Societies Rules on the Petitioner's application objecting to attachment of property in pursuance of a recovery certificate.

2 It is the case of the Petitioner that the property attached does not belong wholly to the certificate debtor. Rule 107(19) attaches finality to an order passed by the Recovery Officer on any objection to attachment under Sub-Rule (19) subject to the result of the suit, if any, filed by the objector to establish the rights which he claims to the property in dispute. Our court in the case of **Sangli Sahakari Bank Ltd. vs. Divisional Joint Registrar, Co-operative Societies, Mumbai**¹ has held that Rule 107(19) (c) could not be read *de hors* Section 154. The finality to the Recovery Officer's order provided for under Rule 107(19)(c) does not exclude revisional powers conferred by Section 154 on the revisional authority.

¹ 2002(3) Bom.C.R.427

Thus, the Petitioner has a two-fold remedy. She may either approach the revisional authority challenging the order of the Recovery Officer or file a suit to establish her rights. Since there is an efficacious alternative remedy available to the Petitioner, the writ petition is not entertained.

3 The writ petition, accordingly, is dismissed with liberty to the Petitioner to avail of any other remedy available in law.

(S.C. GUPTE, J.)