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

WRIT PETITION NO.3133 OF 2018

Sun and Sea Apartments

CHS Ltd and ors

... Petitioners.

V/s.

State of Maharashtra and ors

... Respondents

- Mr. R. V. Sipahimalani a/w Ms. S.V. Vadhavkar i/by Ram Singh, for the Petitioner.
- Mr. S. B. Gore, AGP, for respondent Nos. 1 & 2.
- Mr.Vijay Chauhan, for respondent No.4 party in person.

CORAM : G. S. KULKARNI, J.

DATE : 21st FEBRUARY, 2019.

P.C. :

1] Heard Mr. R. V. Sipahimalani, learned counsel for the petitioner, Mr. S. B. Gore, learned AGP for the state and Mr. Vijay Chauhan, respondent No.4, appearing in person.

2] The challenge in the present petition is to the order dated 27.9.2018 (Exh 'S'), passed by the Deputy Registrar, Co-operative Societies, (K-West) Division, Mumbai under Section 79 of the Maharashtra Co-operative Societies Act, 1960. The learned AGP submits that the petition would not be maintainable as the petitioner has an alternate efficacious remedy of an appeal against the said order as provided under section 152 of

the Maharashtra Co-operative Societies Act. The perusal of said section provides that any order passed by the Registrar under Section 79 is appealable order.

3] In view of the above position, the petition cannot be entertained as alternate efficacious remedy is available to the petitioner.

4] All the contentions raised by the petitioner are kept open.

5] In order to enable the appellant to file appeal before the Appellate Authority, ad-interim order passed by this Court to continue for a period of four weeks from today. It is clarified that the appellate authority shall decide the said appeal on its own merits without influenced by the continuation of the ad-interim order of this Court.

6] The petition is accordingly disposed off with liberty to espouse the remedy of an appeal. No costs.

[G. S. KULKARNI, J]