

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4089 OF 2020

**BALASAHEB LAHANU WALUNJ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Shri Bide Dnyaneshwar A
AGP for Respondents 1 to 4 : Shri A.S.Shinde
Advocate for Respondent 5 : Shri S.K.Shinde

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**CORAM: RAVINDRA V. GHUGE, J.
DATE :- 17th March, 2020**

Per Court:

1 I have briefly heard the learned advocates and the learned AGP on behalf of the respective parties.

2 The revenue recovery certificate under Section 101 of the Maharashtra Cooperative Societies Act, 1960 dated 06.03.2010 was for an amount of Rs.1,25,707/-. It is stated that considering the loan agreement between the parties, the amount has now risen beyond Rs.5 lakhs.

3 The learned advocate for the petitioner has produced the Demand Draft dated 11.03.2020 for an amount of Rs.5 lakhs in the name of the Registrar, High Court of Bombay, Bench at Aurangabad, drawn on the State Bank of India.

4 There is no dispute that the petitioner has a statutory remedy of approaching the Joint Registrar, Cooperative Societies, Nashik under

Section 154 of the Maharashtra Cooperative Societies Act, 1960.

5 In view of the above, this Writ Petition is disposed off with the following directions :-

- (a) The petitioner would be at liberty to challenge the certificate under Section 101 by filing an appropriate revision petition on or before 15.04.2020.
- (b) In compliance of sub-section (2A) of Section 154 of the Maharashtra Cooperative Societies Act, 1960, the Registry of this Court shall transmit the amount of Rs.5 lakhs deposited today, to respondent No.2 at Nashik and the same shall be invested in FDR with a nationalized bank at Nashik for nine months.
- (c) Needless to state, the petitioner shall be protected against any coercive steps with reference to the said recovery certificate under Section 101 in view of the amount of Rs.5 lakhs deposited in this Court, until 31.12.2020 or till the decision in the revision proceeding, whichever is earlier.
- (d) Neither of the litigating parties would be permitted to withdraw the amount deposited by the petitioner, until the revision proceeding is decided.