

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.1201 OF 2020

DATTU PRABHAKAR CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.R. Shirsath, Advocate for the petitioner.

...

CORAM : **Rohit B. Deo, J.**

DATE : 17th January 2020.

PER COURT :-

. The submission of the learned Counsel for the petitioner is that although the amount due is entirely recovered, yet, deductions are being made from the salary.

2. The order impugned is on essence a derivative action. The basic question would be the legality of the certificate issued under Section 101 of the Maharashtra Co-operative Societies Act and the recovery action taken pursuant to the said certificate. Statutory remedy is available and the petitioner can very well satisfy the Appellate or Revisional Authority that nothing is due and payable under the certificate issued under Section 101 of the Maharashtra Co-operative Societies Act.

3. I am not inclined to entertain this petition.
4. However, in order to enable the petitioner to take recourse to the statutory remedy, the action of recovery is stayed for four weeks.
5. The petition is disposed of.

(ROHIT B. DEO, J.)

VD_Dhirde