

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

8. WRIT PETITION No. 293 /2020

Shri Limba (Limbu) S/o Sambhu Bhamre ...Petitioner

VERSUS

The Collector, Dhule others ...Respondents

Mr. G.K. Muneshwar, Advocate for petitioner

Mr. N.T. Bhagat, Asstt. Govt. Pleader for respondents No. 1 to 3

CORAM : ROHIT B. DEO, J.

DATE : 13th January, 2020

PER COURT:

1. Heard.

2. The learned Asstt. Govt. Pleader states that this petition is not maintainable.

3. The petitioner has neither challenged the certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short "The Act") nor the action of attachment. The petitioner, however, has challenged the action of the Collector, who was acting in aid of the authority under the Act. The Joint Registrar,

Co-operative Societies, rightly informed the petitioner that the action of the Collector is not amenable to appeal or revision before the said authority.

4. In any event, the petitioner cannot be permitted to stall the execution of the certificate under Section 101 of the Act, which he has not challenged, by challenging derivative action.

5. The petitioner has sufficient statutory remedies against the recovery certificate issued U/S. 101 of the Act.

6. With liberty to the petitioner to take recourse to the statutory remedy, the petition is dismissed.

(ROHIT B. DEO)
JUDGE.

Madkar