

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 1395 OF 2020

Mr.Abdul Rashid A. Khalique Ansari ..Petitioner
V/s.
Special Recovery & Sales Officer & Ors. ..Respondents

Mr.Amit S. Kate for the Petitioner.

Mr.A.R. Metkari, AGP for Respondent No.2-State.

CORAM : C.V. BHADANG, J.

DATE : 28th JANUARY 2020

PC.

1. Heard learned counsel for the petitioner.

2. By this petition the petitioner is seeking following
reliefs :-

“(a) This Honorable Court be pleased to issue
directions to the Respondent No.2 to comply and issue
documents mentioned in the Petitioner’s letter dated
30/12/2019;

(b) This Hon'ble Court be pleased to issue directions to the Respondent No.3 to comply and issue documents mentioned in the Petitioners letter dated 27/12/2019;

(c) This Hon'ble Court be please to call for record to issue a Writ of Certorari of call for the records realting to the case of Visit notice dated 13/01/2020 and quash the Notice dated 13/01/2020;

(d) This Honourable Court be pleased to direct the Respondent No.1 to stay the execution of the Respondent No.2's order dated 31/08/2017 under S. 156 of the Maharashtra Co-Operative Society Act, 1960;

(e) This Hon'ble Court be pleased to quash and set aside the Respondent No.2's Order dated 31/8/2017 under Section 156 of the Maharashtra Co-Operative Society Act, 1960 and demand notice dated 07/03/2019 issued by the respondent No.;

(f) This Hon'ble Court be pleased to direct the respondents No.1 to 4 to stay the

procedure/communications if any for execution of order and to cut the essential services in the Flat No.106 such as electricity, waster supply etc. which are necessary for the petitioner and his family to use and occupy the Flat No.106.

(g) Ad-interim and interim relief in terms of prayer clause (a,b and f) above;

(h) Any other relief, as deemed fit and proper may please be granted in favour of the petitioner herein.

3. At the outset it may be mentioned that the prayer clauses (a) and (b) as above are not competent before the Single Judge of this Court which prayers are essentially in the nature of a mandamus. A Single Judge can only examine the validity of a judicial or *quasi judicial* order, in accordance with the explanation to Rule 18 of Chapter XVII of the High Court Appellate Side Rules.

4. Coming to the challenge to the recovery certificate, it appears that, earlier the petitioner had approached this Court in Writ Petition No.11044 of 2019 which petition is disposed of by an

order dated 18th December 2019 observing that the petitioner has a statutory remedy under Section 154 of the Maharashtra Co-operative Societies Act. This Court noted that the petitioner has not availed of the said remedy. This Court also expressed an opinion that when there is a statutory alternate remedy available the same should be availed of before invoking the jurisdiction of this Court. In that view of the matter this Court declined to entertain the said petition.

5. The learned counsel for the petitioner submitted that in the previous petition a show cause notice was challenged which cannot be accepted when we read paragraph 2 and 3 of the order dated 18th December 2019.

6. In view of the fact that the petitioner has an alternate remedy against the impugned order, I decline to entertain the petition. In that view of the matter the petition is disposed of, with no order as to costs.

C.V. BHADANG, J.