

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.1321/2017

(Akola Shahar Mahanagar Palika, Shikshak Samruddhi Sahakari Path Sanstha Maryadit,
Akola V Dist. Deputy Registrar, Co-operative Societies, Akola and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.D. Karode, Adv for petitioner.
Shri S.V. Sohini, dv for resp. no.2.
Shri S. Hirekhan, Adv for resp. no.3.
Shri A. Joshi, AGP for resp. no.1.

CORAM : RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE : 05-02-2020.

1. This matter has been heard for sometime. With the assistance of the learned Advocates, we have perused the petition paper book and have gone through the terms of the appointment of the Recovery Officer by order dated 10-02-2014.

2. We find that the Recovery Officer has already completed his term from 10-02-2014 till 10-02-2016. We are informed that he has returned all the papers and the documents to the petitioner society. The learned AGP points out that the petitioner Society has unnecessarily rushed to this Court and consumed the time of this Court by virtually asking the Court to play the role of a Recovery Officer. He further submits that the petitioner Society should have rushed to the District Deputy Registrar, Cooperative Societies for seeking a new appointment of the Recovery Officer.

3. The learned Advocate for the petitioner submits that the society would approach the District Deputy Registrar, Cooperative Societies and seek an appointment of a Recovery Officer in place of Shri Satish Janardhan Raut. The recovery certificate issued under Section 49 of the Maharashtra Co-operative Societies Act, 1960,

would be sought to be executed by following the due procedure laid down under the Act.

4. This Court had passed an order on 07-01-2020, issuing a bailable warrant against the former Recovery Officer respondent no.3-Shri Satish Janardhan Raut, in the sum of Rs. 25,000/-, to secure his presence in the Court. The learned Advocate appearing on his behalf submits that Shri Raut is personally present in the Court and he identifies him. A written affidavit apology would be tendered in the Court within three days. It is prayed that Shri Raut be pardoned.

5. Considering the affidavit apology which Shri Raut would be tendering in this Court, the order dated 07-01-2020, would stand recalled.

6. It is informed that Shri Raut is an unemployed person and he works whenever he gets some labour work. Since he was unable to cope up with the work he resigned sometime in the year 2015 and since then no Recovery Officer appointed. We, therefore, pardon him.

7. We permit respondent no.1-District Deputy Registrar, Co-operative Societies, to be careful while appointing a new Recovery Officer. Respondent no.1 shall appoint such person who would be competent to carry out the duties of a Recovery Officer.

8. In view of the above, this petition is disposed off with liberty in the light of the statement made by the petitioner as recorded above.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)