

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO.5020 OF 2021

ANIL KISANLAL BIRLA AND OTHERS
VERSUS
DIVISIONAL JOINT REGISTRAR AND OTHERS

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Advocate for Petitioners : Mr. Narendra D. Sonwane h/f Mr.Salunke
Pradeep B.

AGP for Respondents No. 1 & 2 : Mr. S.P. Tiwari
Advocate for Respondent No. 3 : Mr. Thoke Dhananjay B.

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CORAM : SANDEEP K. SHINDE , J.

Date :- 15th June, 2021.

P. C. :

1. Heard the learned counsel for the petitioners and the learned A.G.P. for the State.
2. Petitioners No. 1 to 8 were directors of Dr.NA MO Kabare, Nagarik Sahakari Bank Ltd. Jalgaon, District Jalgaon; whereas, petitioners No. 7 to 11, are the legal representatives of the deceased directors of the aforesaid bank.
3. The proceedings under Section 88 of the Maharashtra Co-Operative Societies Act were concluded on 7th December, 2019 and culminated into the recovery certificates dated 8th January, 2021 issued under Section 98 of the Maharashtra Civil Services Act, 1960 ('M.C.S. Act' for short) against the petitioners. These certificates are under challenge.

4. Learned counsel for the petitioners submit, that the appeals preferred by the petitioners under Section 152 of the M.C.S. Act against the order passed under Section 88 of the Act are pending before the Divisional Joint Registrar, Co-Operatives, Nashik, Division Nashik.

5. It is the petitioners apprehension that, without first hearing the appeals, the certificates issued under Section 98 of the Act, if executed, it would render, the appeals infructuous. Under these circumstances, the certificates under Section 98 of the Act are challenged in this petition.

6. Learned AGP, for respondent Nos. 1 & 2 on instructions, from Mr. J. B. Bari, Assistant Registrar, Co-Operative Societies, Dharangaon, District; Jalgaon, submits that the petitioners' appeals against the order passed under Section 88 of the Act would be heard within ten weeks from today. The statement is accepted.

7. In view of submission of the learned AGP for State, the Joint Registrar, Co-Operative Societies, Dharangaon, District; Jalgaon, is directed to decide petitioners appeal within ten weeks from today in accordance with law. The petitioners shall appear before the Divisional Joint Registrar, personally or through authorized representative on 22nd June, 2021.

8. Insofar as, the execution of the certificates issued under Section 98 of the M.C.S. Act are concerned, till date, those are not put to

the execution. If at all, the State proceeds to execute the certificates, before conclusion of the petitioners appeals, petitioners may approach to this Court for appropriate relief. Reserving this liberty, in my view, nothing survives in the petition. The petition is disposed of.

(SANDEEP K. SHINDE)
JUDGE

mahajansb/