

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

925. WRIT PETITION NO.4386 OF 2021

1. Anant S/o Digambar Khose,
Proprietor, M/s. Mahesh Bricks (Veet) Udyog,
age 45 years occup. Agri. & business,
Matephal Post Naigaon Taluka and Dist. Latur.
2. Digambar S/o Dattu Khose,
age 62 years occup. and R/o as above
3. Govind S/o Bali Dede,
age 47 years occup. labour R/o as above ...Petitioners

VERSUS

1. The Collector,
Latur Tal. & Dist. Latur
2. Vilas Co-operative Bank,
First Floor, Apang Sarthi Building,
Jeevan Vikas Pratisthan, Gandhi Maidan,
Latur – 413512
3. Mahesh S/o Bahubali Korale,
Recovery Officer, Vilas Co-operative Bank,
First Floor, Apang Sarthi Building,
Jeevan Vikas Pratisthan, Gandhi Maidan,
Latur – 413512 ...Respondents

Mr. A.N. Sabnis, Adv. with Mr. V.G. Kodale, Adv. for petitioners
Mr. K.B. Jadhwar, Asstt. Govt. Pleader for Respt. No.1

CORAM : N.J. JAMADAR, J.

DATE : 10th March, 2021

ORAL ORDER :

Heard the learned Counsel for the petitioners.

2. After arguing for some time, the learned Counsel for the petitioners submits that the petitioners intend to take out the proceeding against the order, whereby certificate under Section 101 of the Co-operative Societies Act, 1960, came to be granted. The learned Counsel, however, seeks some accommodation. The learned Counsel for the petitioners has also adverted to the situation which arose on account of Covid 19 pandemic.

3. Having regard to the nature of the order assailed in this petition and the fact that an alternative efficacious remedy is available to the petitioners, this Court is not inclined to entertain the petition.

4. The learned Counsel for the petitioners has further submitted that the petitioners are willing to deposit a part of the outstanding amount to show their bonafide.

5. In the circumstances, it may be appropriate to grant some protection to the petitioners so that the petitioners may avail the statutory remedy. Hence the following order.

O R D E R

I) The petition stands disposed of with liberty to the petitioners to avail the statutory remedy under the Maharashtra Co-operative Societies Act, 1960, on the condition of depositing of 25% of the amount for the recovery of which the impugned order dated 8th February 2021 is passed with the respondent No.2-Bank, within a period of two weeks from today.

II) To facilitate the petitioners to deposit the said amount, the authorities shall not take coercive action for the period of two weeks from today.

III. In the event the petitioners deposit 25% of the amount, within the period of two weeks, the authorities shall not take coercive action, in furtherance of the impugned order dated 8th February 2021, for a period of two weeks thereafter.

IV) All the concerned to act upon an authenticated copy of the order.

(N.J. JAMADAR)
JUDGE