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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5376 OF 2012

Shivaji Budhaji Chaudhari and Another

PETITIONERS

VERSUS

The Divisional Joint Registrar Co-operative
Societies and Others

RESPONDENTS

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Mr. Vikram A. Pawar, Advocate for the petitioners

Mr. A. A. Jagatkar, AGP for respondent - State

Mr. Amol S. Sawant, Advocate for respondent No.5

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st DECEMBER, 2021

ORDER :

1. At the outset, learned advocate for the petitioners seeks permission to withdraw the writ petition, with liberty to avail alternate remedy under section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short "the said Act") for challenging the procedure adopted during the sale and the sale.

2. Learned advocate for the petitioners submits that since the Divisional Joint Registrar, Co-operative Societies, has fixed the offset price, filing of proceedings under section 154 of the said Act challenging the sale process and the sale before the same

authority i.e. the Divisional Joint Registrar would not be an efficacious remedy.

3. In view of the peculiar facts of the present case, the petitioners to approach the State Government, under section 154 of the said Act challenging the sale process and the sale.

4. Writ petition is disposed of as withdrawn with liberty as prayed for.

5. The period spent prosecuting present writ petition shall be taken into consideration while entertaining the proceedings under section 154 of the said Act.

6. By order dated 12th October, 2012, by way of interim relief, possession of the petitioners was protected, said interim order shall continue for a period of eight weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE