

DSS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10767 OF 2019**

Amar D. Naik and ors.

...Petitioners

V/s.

State of Maharashtra and ors.

...Respondents

**WITH
INTERIM APPLICATION NO. 3739 OF 2021
WITH
CIVIL APPLICATION NO. 85 OF 2021**

Mr. Shreepat Murthy i/b Ms Shashikala Rajak and Mr. Bhushan V. for the Petitioners.

Mrs. V.S. Nimbalkar, AGP for the Respondent /State.

Mr. Pradeep Gole a/w. Mr. Suraj Shejwal for Respondent No.4.

CORAM : G. S. KULKARNI, J.

DATE : DECEMBER 03, 2021.

PC :

1] After hearing the petition progressed for some time and on an objection as raised by the learned counsel for respondent No.4, that the petitioner to assail the action initiated under section 101 of the Maharashtra Co-operative Societies Act, 1960 has an alternate remedy of filing revision as provided under sub-section 3 of section 101 of the said Act. Learned counsel for respondent No.4 is right in his objection. The petitioner needs to avail of the alternate statutory remedy.

2] As the petitioners were *bonafide* pursuing this petition, which came to be filed on 14.5.2019, the revisional authority shall hear the revision as may be filed by the petitioner within one week from today, on its own merits and without any objection on limitation.

3] To enable the petitioners to avail of such statutory remedy, no coercive action be initiated against the petitioners in pursuance of the notice dated 18.11.2021 issued by the Special Recovery Officer. It is clarified that such protection in no manner is an expression on the merits of the disputes between the parties. The revisional authority shall decide the revision without being influenced by such limited protection granted by this Court.

4] The petition is disposed of in the above terms.

5] All contentions of the parties in the revision are expressly kept open.

6] In view of disposal of main petition, the Interim Application and Civil Application do not survive and they are disposed of accordingly. No costs.

(G. S. KULKARNI, J.)

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