

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

907 WRIT PETITION NO. 1850 OF 2022

AND

**CIVIL APPLICATION NO.16261 OF 2022
IN WP/1850/2022**

MEERATAI KALYANRAO RENGHE AND ANOTHER

VERSUS

**THE STATE OF MAHARASHTRA,
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

...

Advocate for Petitioners/Applicants : Mr. Shahaji B. Ghatol Patil.

AGP for Respondent/State: Mr. S. G. Sangle.

...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 06th December, 2022.

Per Court:

1. The petitioners have a statutory remedy in the form of Section 154 read with sub-section 2A of the Maharashtra Co-operative Societies Act, 1960.

2. This petition is circulated for the first time today. The learned advocate for the petitioners is unable to take instructions from the petitioners for withdrawal of this petition.

3. The petitioners seek to challenge the certificate issued under Section 101 of the Maharashtra Co-operative Societies Act. Admittedly, the proceedings under Section 154 have not been initiated.

The petitioners have directly approached this Court seeking issuance of a Writ of Mandamus. This Court would not issue a Writ of Mandamus in a challenge to a recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act.

4. This petition is, therefore, disposed off.

5. The petitioners would be at liberty to avail of a statutory remedy, as may be permissible in law.

6. The pending civil application would not survive and stands disposed off.

7. The time spent by the petitioners in this Court from 22nd November, 2021 till the passing of this order, would be a ground for seeking condonation of delay.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

nga